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1           THE COURT: All right. As we are all getting set up,  
2 we are back on the record now in U.S. versus Willie Boone,  
3 22-80175. We have all counsel here, we have Mr. Boone here.

4           Before the jury comes in, I has asked everybody to  
5 take a look again at the jury instructions and verdict form and  
6 give any thought to whether including Exhibit 32, Government  
7 Exhibit 32, or some version of it, might be one way to address  
8 the issue of instructing the jury on the three separate offense  
9 matter that would relate to the second part of Count 4's  
10 verdict question where the jury is being asked: We, the jury,  
11 having found the Defendant guilty of the offense charged in  
12 Count 4, find further that he possessed the firearm after  
13 having had at least three previous convictions for offenses  
14 committed on occasions different from one another; yes or no?

15           The Defense hadn't objected to that question, but the  
16 Defense has objected to the second page of possession of a  
17 firearm by a convicted felon instruction that was added by the  
18 Government to try to address that verdict question and also, as  
19 they indicated in Footnote 3, that it was at had to comply with  
20 U.S. Department of Justice policy following Wooden,  
21 W-O-O-D-E-N, versus United States, 142 Supreme Court 1063, a  
22 2022 case.

23           So, I do know that we found a couple of other cases.  
24 There was a Fourth Circuit case, United States versus Brown,  
25 67, Fourth Circuit 200, Fourth Circuit, 2023, whereby the

1 circuit precedent holding that the applicability of the ACCA  
2 enhancement is a matter for sentencing remains binding,  
3 notwithstanding intervening Supreme Court precedent, including  
4 *Wooden versus United States*, 142 Supreme Court 1063, 2022.

5 The Court goes on to say "whether a defendant  
6 committed prior violent felony or serious drug offenses on  
7 different occasions need not be alleged in the indictment and  
8 found by a jury or admitted by the Defendant."

9 Then we have a Fifth Circuit case, *United States*  
10 *versus Valencia*, 66 F.4th 1032, indicating that "in *Wooden*  
11 *versus United States* the Supreme Court explicitly declined to  
12 address whether the Armed Career Criminal Act's different  
13 occasions requirement must be charged in the indictment and  
14 either admitted by the Defendant or proven to a jury beyond a  
15 reasonable doubt.

16 "Therefore, *Wooden* does not overrule binding circuit  
17 precedent, holding that the different occasions requirement is  
18 a proper consideration for the District Court at sentencing."

19 Those are the additional cases that the Court found.  
20 How would you like to handle it?

21 MR. SCHUMACHER: Judge, I didn't do the legal research  
22 the Court did, but listening to the holdings on those other  
23 circuits, I would maintain my objection to the addition of the  
24 language, and I'd also object to on the verdict form the  
25 additional question under Count 4, since there has been a

1 stipulation as to that aspect. It has been alleged in the  
2 indictment. I think that is satisfactory, Judge.

3 THE COURT: So, it was alleged in the indictment?

4 MR. SCHUMACHER: I believe so.

5 MRS. CHASE: It was alleged in the indictment, your  
6 Honor, which I why the United States maintains that we should  
7 be able to, at a minimum, seek the special verdict entry given  
8 that allegation.

9 THE COURT: And what are the parties' thoughts on the  
10 stipulation being read as part of the jury instruction?

11 MR. SCHUMACHER: Judge, I would object to that. The  
12 Government is free to argue that to the jury in closing  
13 argument. I am sure they will do so, and I am certainly not  
14 going to take a contravening position to that.

15 As far as using a stipulation as part of the jury  
16 instructions I think is directing them specifically as to their  
17 duty and to their fact finding. We would oppose that, Judge.

18 MRS. CHASE: We would agree on that, your Honor.

19 THE COURT: Okay. Well, I think what we will do is we  
20 will take the added language out of the possession of a firearm  
21 by a convicted felon and stick with the standard. It will end  
22 after page one, and we won't include the language -- the  
23 paragraph that begins with "The indictment further alleges that  
24 the Defendant committed the charged offense after having been  
25 convicted of three other crimes that were committed on

1 occasions different from one another." And we will keep the  
2 question on the verdict form as to Count 4 relating to the jury  
3 finding that he possessed the firearm after having had at least  
4 three previous convictions for offenses committed on occasions  
5 different from one another.

6 And we do have Exhibit 32 in evidence, and the  
7 Government should make what argument it deems appropriate  
8 during closing to ensure that the jury is clear on how they are  
9 to proceed on that.

10 MRS. CHASE: Thank you.

11 THE COURT: With that, then, we will get the jury  
12 instructions in final form and the verdict form and give you a  
13 copy one last time to review it. Since it is very voluminous,  
14 and we may be charging the jury soon after lunch, we want to  
15 have all of those made.

16 Let's make the copies, Maya, but we will give one as  
17 soon as we have one to the lawyers so they can be looking at it  
18 in the meanwhile. So the others can be made.

19 How are we doing with our jurors? We have our witness  
20 back?

21 MR. SCHUMACHER: Judge, so the record is clear, then,  
22 I have objected to the inclusion of the language in the verdict  
23 form with that special interrogatory.

24 THE COURT: Yes. I will overrule the objection. That  
25 is the only objection you had, which is the part that reads:

Pauline A. Stipes, Official Federal Reporter

1 We, the jury, having found the Defendant guilty of the offense  
2 charged in Count 4, further find that he possessed the firearm  
3 after having had at least three previous convictions for  
4 offenses committed on occasions different from one another.

5 MR. SCHUMACHER: Yes.

6 THE COURT: I will overrule the objection, but sustain  
7 it as to the instruction.

8 MR. SCHUMACHER: Thank you.

9 THE COURT: We have everybody, so our witness can  
10 resume the stand, and we can bring our jury in.

11 (Thereupon, the jury returns to the courtroom.)

12 THE COURT: Good morning, everyone, welcome back, you  
13 may be seated.

14 Our witness remains on the stand, Agent Finnamore, he  
15 remains under oath. You may proceed with the Government's  
16 direct examination.

17 DIRECT EXAMINATION (continued)

18 BY MS. DARSCH:

19 Q. Good morning, Agent Finnamore. We left off yesterday on  
20 page 52 of Government Exhibit 22.

21 MS. DARSCH: Permission to publish to the jury.

22 THE COURT: Yes. We need somebody here to help us.  
23 Just a moment. We need somebody here to help us. Bear with us  
24 one moment.

25

1 BY MS. DARSCH:

2 Q. So we left off on page 52 of Government Exhibit 22 where  
3 you had indicated that Willie Boone stated, "I got you 100  
4 already to the side," and then a picture from Willie Boone was  
5 sent to Uncle Butterball.

6 So, before going to the photo, could you just please  
7 explain to the jury what this conversation entails?

8 A. Is it possible for me to have the hard copy?

9 Q. Yes. I'm sorry. We are on page 52.

10 A. This conversation was referring to the \$100 that was owed  
11 to Mr -- Uncle Butterball by Mr. Boone. This is when he was  
12 stating he already had the hundred dollars that Unc Butterball  
13 was asking for and sent a picture with the money on the table.

14 Q. Okay. Now going back to the photo, I am showing you  
15 Government's Exhibit 21-E. Is this that same photo that Willie  
16 Boone sent to Uncle Butterball on page 52 of Government Exhibit  
17 22?

18 A. Yes, on 2/26/2022, this is the same photograph.

19 Q. Okay. And what does this photo show?

20 A. This photo shows a large quantity of currency. You can see  
21 there's a \$100 bill on the top, followed by a bunch of \$50  
22 bills and \$20 bills, and it goes on from there.

23 It also has a clear plastic tub filled with what appears to  
24 be crack cocaine, there is some crack cocaine sitting next to  
25 that tub. There's also those one x one dime bags that we were



1 talking about yesterday, and there is also a Glock firearm to  
2 the left of it.

3 Q. Okay. And could you please explain to the jury on this  
4 Glock firearm what we are looking at right here? (Indicating.)

5 A. Yes. So, this will be the same light/laser combination  
6 attachment that is found on the exhibit that I was talking  
7 about yesterday, the Glock firearm we had yesterday.

8 Q. And could you please explain to the jury what we are  
9 looking at right here?

10 A. Yes. If you are able to zoom in you will probably be able  
11 to see it better. There is a piece of textured grip tape on  
12 the lower portion of the trigger guard. You can see it there  
13 on the bottom of the line along there.

14 This is an after-market piece of tape. People attach these  
15 to their firearms for extra grip. Being that these firearms  
16 are polymer or plastic, people when they have sweaty hands  
17 holding the firearm, the firearm will slip in their hand, so  
18 people frequently attach grip tape to their firearms. We do it  
19 in the law enforcement all the time, it provides an extra level  
20 of grip with the firearm.

21 This particular piece of tape, on the rear the tape has  
22 actually started to peel away from the grip of the firearm and  
23 the adhesive has started to fail, so it is coming straight  
24 across. On the Glock firearm there should be a curve like  
25 that, but as you can see, it comes straight here. That would

1 be from the tape.

2 Q. Okay. If we could please zoom out.

3 And right -- first I want to go to here. What are we  
4 looking at here?

5 A. Yes. This is an extended magazine like I described  
6 earlier, yesterday. It is very common with people that are  
7 dealing narcotics to have extended magazines. It also has the  
8 very specific end plate right here. This would be an  
9 after-market accessory for the firearm.

10 Q. This extended magazine right here, it looks a little  
11 shorter. Is it shorter than it actually is because part of the  
12 extended magazine is in the firearm?

13 A. That's correct, yes. I'd say maybe a third of the magazine  
14 is going to be inside of the grip of the pistol, and that is  
15 from it being inserted into the firearm, so it would appear  
16 shorter.

17 Q. When the extended magazine is not attached inside the grip  
18 of the pistol it is longer?

19 A. Yes. If the gun was see through, the magazine would go to  
20 about here. (Indicating.)

21 Q. Okay. Which is almost near the trigger for the record?

22 A. Correct.

23 Q. I want to bring your attention to something in here.

24 What are we looking at here?

25 A. Yes. So, if you are able to zoom in on the photograph you

1 will be able to see it much better. There is a distinct  
2 scratch on the actual grip of the pistol. These dots that you  
3 see are called stippling, and it is texture that is designed by  
4 the manufacturer to enhance the grip of the firearm. Under  
5 that, right here, you can see there is a vertical scratch on  
6 the firearm. That is not made by the manufacturer, that is a  
7 defect. That is something that was created by whoever  
8 possessed the firearm or dropping the firearm, something of  
9 that nature. That is not made by the manufacturer, that is not  
10 with other Glock 17's.

11 Q. If you could -- I am going to clear it -- count how many --  
12 I am calling them dots, but if we were to use these dots as  
13 like a ruler or measuring tape, how many dots in would that  
14 scratch be?

15 A. It would be approximately six dots in from the rear of the  
16 grip. I don't know if I could count them.

17 Q. You can count. You can circle it.

18 A. Two, three, four, five, and six.

19 Q. The scratch is six dots in?

20 A. That's correct.

21 Q. Now, you had stated earlier during your testimony yesterday  
22 you examined the Glock pistol that was recovered in this case,  
23 Government Exhibit 13?

24 A. Yes, I did.

25 Q. At this time I am going to use the ELMO to show the Glock

1 pistol that was recovered in this case. Could I use the  
2 hand-held microphone?

3 First, I want to talk in the order we described earlier, so  
4 right now what are we looking at here?

5 A. This is the muzzle portion of the firearm, and you can see  
6 on the underside of the firearm is the Spartan light/laser  
7 combo attachment attached to the rail.

8 Q. And I am going to turn it forward, and what are we looking  
9 at right here in regard to the Spartan light?

10 A. You can see the light portion, that is the reflected piece  
11 on the side closest to the ELMO. To the other side of that  
12 would be the battery, and then the laser is that little dot you  
13 see right there where my mark is. That is the laser hole  
14 there.

15 Q. Could you please point to where the battery would go?

16 A. Right here.

17 Q. And the light where it would flash?

18 A. Right here.

19 Q. So there would be no light flashing where that battery is?

20 A. No.

21 Q. Okay. All right. Now -- and then, that is still the  
22 Spartan light combo on the other side; is that right?

23 A. That is correct.

24 Q. Now, you had mentioned earlier the grip tape in that  
25 picture. Okay.

1           Could you please show the jury the grip tape that you were  
2           talking about?

3           A.   Yes.   If you hold it right there, it is clearly visible.  
4           It may be easier with a side view to show where the tape is.  
5           Jus like that, perfect.

6           You can clearly see this is the plastic with the firearm.  
7           Here is the tape that is installed by whoever was possessing  
8           the firearm, and you can see here in the rear the tape has  
9           begin to peel away from the frame of the firearm.

10          It is a very distinct item, not many people carry the tape  
11          on the underside of the frame.   It is very common on the grip  
12          of the pistol.   I use that with my personal duty weapon, but on  
13          the underside of the trigger guard is very unique.

14          Q.   That is an after-market piece, that grip should be curved?

15          A.   Yes.   The tape there, right here, should be going along the  
16          underside, and that is most likely what it was doing when it  
17          was installed, it just has been aging and the adhesive has  
18          peeled away.

19          Q.   Thank you.

20          Now, I was calling them dots earlier, but are these the  
21          dots you were counting earlier?

22          A.   Yes.   That is what I called earlier as the stippling, those  
23          are the dots made by the manufacturer to add grip to the  
24          firearm.

25          Q.   Now, where is that scratch here that you were referring to

1 earlier? I am sorry.

2 A. No problem. It is easier to see it that way. I'll circle  
3 it here. This is the scratch right here. In person, you can  
4 obviously see it much better, but it is clearly visible on the  
5 bottom.

6 Q. Earlier I asked you to use like a ruler or measuring tape.  
7 Could you count again, as if you are using the dots as a ruler,  
8 how many dots in that scratch is?

9 A. Yes. One here, two, three, four, five, and six.

10 Q. Okay. Now I want to turn your attention to the magazine.  
11 I am going to flip it. So, this magazine is no longer inside  
12 the firearm, so is this the extended magazine we were looking  
13 at earlier?

14 A. Yes, it would be. It is easy to distinguish the specific  
15 extended magazine based off of the end plate that is attached  
16 to the bottom of the magazine. Typically, the extended  
17 magazine will have a flush base plate, they are designed to go  
18 flush along the bottom of the firearm. Being that this has an  
19 extended magazine and end plate, it would be used for a compact  
20 firearm where your fingers may extend past the grip. Your  
21 fingers can then rest on that end plate, so it is a unique end  
22 plate for this magazine.

23 Q. And this is the end plate we are still looking at?

24 A. Correct.

25 MS. DARSCH: Your Honor, permission for Special Agent

1 Mark Finnamore to show the jury the gun and the unique  
2 characteristics of this Glock pistol.

3 THE COURT: Any objection?

4 MR. SCHUMACHER: No, your Honor.

5 THE COURT: He may.

6 MR. SCHUMACHER: May I move closer?

7 THE COURT: Yes, you may. Thank you.

8 BY MS. DARSCH:

9 Q. Okay. If you could show the jury all the unique  
10 characteristics of this Glock pistol.

11 A. As you see on the bottom, immediately the most identifiable  
12 is the scratch here on the very bottom. You also have the  
13 Spartan light and then your extended magazine and the end  
14 plate. You see the scratch here, the extended magazine, and  
15 then the Spartan light, the scratch right here on the bottom of  
16 the grip, the light, and then the extended magazine.

17 See the scratch right here on the bottom of the grip, the  
18 light/laser combination, and then the extended magazine here.

19 Q. While I have you here, would you point out the actual  
20 external mechanism that is the Glock switch on this Glock  
21 pistol?

22 A. Certainly. On a normal Glock firearm you're going to have  
23 a flush back plate right where this little box is here. This  
24 is an after-market piece and you can see under the firearm  
25 there is a blade here. This is the part that will make the

1 firearm fully automatic. This blade would not be here on a  
2 semiautomatic Glock pistol. This part is connected to the back  
3 blade that is now the Glock switch. You can see the button  
4 here, if you look at on the side, is the selector switch for  
5 the Glock switch.

6 So, if this was engaged and someone pulled the trigger, it  
7 would shoot the entire magazine of ammunition without resetting  
8 the trigger each time.

9 Q. How many rounds does that extended magazine have for it to  
10 shoot in fully automatic?

11 A. This particular magazine has the capacity of 31 rounds plus  
12 a round in the chamber, so 32 rounds.

13 Q. In fully automatic mode?

14 A. 32 rounds in approximately two seconds.

15 Q. Thank you.

16 When you are holding the firearm, if you are pointing it  
17 like in a camera, would you be able to see this switch? Is it  
18 sticking out a little?

19 A. Yes. I can use the switch here. As you guys can see, the  
20 switch button as engaged will protrude back to the edge of the  
21 firearm. It is not really flush with the slide, it will be  
22 protruding past it.

23 I am not going to point it that way, obviously, but if you  
24 look down the slide of the firearm you can see that the button  
25 protrudes past it.



1 Q. And that is in fully automatic?

2 A. Right.

3 Q. When it is in fully automatic, you would be able to see  
4 that pointed out?

5 A. Correct.

6 Q. Thank you.

7 Now I want to ask you about this marking. You testified  
8 earlier how you can examine firearms and determine where they  
9 are manufactured, if it crossed state lines, if it affected  
10 interstate and foreign commerce, and you mentioned that you  
11 look at certain markings on a firearm such as this one,  
12 Austria, you look at serial numbers, and you determine where  
13 the firearm is manufactured.

14 Now, a serial number, is that unique to a firearm?

15 A. For the most part, yes. It is common for a serial number  
16 to be reused. So, as an example, this firearm could have been  
17 made in the late 2000's. It is possible for a firearm in, say,  
18 the late 1800's or early 1900's to have that same serial  
19 number.

20 So, when we do traces of firearms you would not put in just  
21 the serial number, you would put in the make, model and caliber  
22 of the firearm to distinguish between repeats of that serial  
23 number.

24 Q. In your opinion, is this mark, this scratch, with the  
25 measuring going six dots in, is that more unique to this Glock

1 than a serial number would be?

2 A. Absolutely. It's probably one of the most unique markings  
3 you can distinguish on a firearm. That is what we use  
4 typically to distinguish between different firearms in videos  
5 and photographs, is unique errors or issues that you will  
6 notice on the gun. Whether something is scratched or broken  
7 off, that is way more unique than a manufacturer's mark that is  
8 made thousands of times.

9 Q. Looking at this firearm, not only is the scratch incredibly  
10 unique and more unique than a serial number, but you also look  
11 at other unique characteristics, such as the gripping tape  
12 right here that is no longer glued to the curvature of the  
13 firearm, and then you also see this scratch right here six dots  
14 in, and this extended magazine, the capping at the bottom is  
15 very unique.

16 And also the Spartan light, that is very unique to this  
17 firearm; is that correct? Did you mention that yesterday?

18 MR. SCHUMACHER: Objection, leading.

19 THE COURT: Yes, I am going to sustain and I will ask  
20 you to rephrase the question for the witness.

21 BY MS. DARSCH:

22 Q. I am now showing the Spartan light on this firearm. Is  
23 that also unique to this firearm?

24 A. Yes. Like I said, it is a totality of circumstances when  
25 you are looking at all the unique characteristics of a firearm

1 to determine that what you are looking at is a specific  
2 firearm.

3 So, you are going to look at all the different manufacturer  
4 markings, but you are also going to look at things that are  
5 unique to that specific firearm. In this case it is going to  
6 be attachments, it would be the extended magazine, the  
7 light/laser combination that is not widely sold, but it could  
8 be the defects that you see on the firearm.

9 We use that procedure consistently when we are attempting  
10 to identify firearms that are sent to us from other law  
11 enforcement agencies for identification, which is something we  
12 do commonly, or if there is a case where someone is possessing  
13 a firearm in a photograph and shouldn't, these are the  
14 procedures that we use to identify it as a unique firearm, not  
15 just a generic pictures off of the internet.

16 Q. Okay, thank you.

17 Now, switching back to the monitor, okay, turning back to  
18 page 52 on Government Exhibit 21, we have the picture and the  
19 text message. I want to switch back to the actual picture that  
20 I had showed you earlier. That was Government Exhibit 21-E.

21 Okay. So we had talked about this picture earlier.

22 In your opinion, based on those unique circumstances and  
23 the scratch and the totality of all of those markings, is this  
24 picture, Government Exhibit 21-E, this Glock, is this the same  
25 firearm as Government Exhibit 13, the Glock pistol that you

1 just showed the jury?

2 A. Yes, I am certain that the firearm in this picture is the  
3 Government exhibit that you showed me.

4 Q. Why?

5 A. Like I had said, the unique characteristics of this  
6 firearm, the firearm sitting on the table over there, combined  
7 with the unique characteristics of the firearm in the  
8 photograph, it is clear it is the same firearm. The scratches  
9 are too unique, the grip tape peeling is too unique, the  
10 light/laser is too unique, and for all of those things to be  
11 together on a firearm, it is just not realistic that that is  
12 not the same firearm.

13 Q. You mentioned earlier about how firearms are tools of the  
14 trade in drug distribution.

15 How would someone who can't legally possess a firearm get a  
16 firearm?

17 A. There is a variety of ways that people that can't go to a  
18 gun store and buy a firearm would acquire a firearm. The most  
19 common in this area would be breaking into vehicles. Lawful  
20 firearms possessors would typically keep guns in their cars.  
21 People know that and they will break into vehicles and steal  
22 firearms. People will break into homes with the goal of  
23 finding valuables and firearms, which for someone in the drug  
24 trade a firearm is just as valuable as currency.

25 They will have family members go and purchase firearms in

1 their name and provide it to the person that is prohibited from  
2 possessing the firearm, or they will buy them illicitly on the  
3 street like you have seen in the messages. That is one of my  
4 responsibilities in our HIDTA office, is to purchase firearms  
5 illegally on the street.

6 Q. When you purchase firearms illegally on the street, what do  
7 you refer to them if you wanted to buy a fully automatic  
8 machinegun?

9 A. It would be a switch is the term I use when I buy Glock  
10 switches.

11 THE COURT: Feel free to put the hand mic back if you  
12 want.

13 MS. DARSCH: It is better than doing this.

14 THE COURT: Feel free to use it.

15 BY MS. DARSCH:

16 Q. Page 52, would a user have a firearm like this as you just  
17 described, a Glock switch, with U.S. currency in different  
18 denominations, what looks like crack cocaine, a dime bag, which  
19 is a one x one bag sitting on a table all next to each other?  
20 Would a user have that?

21 A. Absolutely not. This is very typical of a narcotic  
22 supplier. You have a firearm with what we were calling earlier  
23 the dealer bands, the change, as you will, to exchange for drug  
24 sales, and you have a clear distribution of crack cocaine. One  
25 piece of crack there, one rock, is a typical sale amount, so

1 you have way more than what is typically sold.

2 Unless we are buying for trafficking purposes, the typical  
3 amount of crack cocaine is no more than five pieces.

4 Q. I apologize if you mentioned this earlier, I don't recall,  
5 but what do you see inside this one x one bag?

6 A. It is fairly hard to see.

7 Q. Could we zoom in.

8 A. It appears that there is a fentanyl capsule within the one  
9 x one bag. This is typical and exactly how I described it  
10 earlier. They will separate their sale amounts, the one  
11 capsule, and also put it in the bag. As you can imagine,  
12 capsules are small, they are easy to lose, so putting them in a  
13 bag of that size it is easier for them to keep track of it.

14 Q. You said it appears to be a fentanyl capsule. You  
15 mentioned earlier when we were talking about  
16 methylenedioxymethamphetamine, which is used as Molly, or its  
17 street term is Molly and beans which could be a bath salt,  
18 butylone, when drug dealers are selling fentanyl as we have  
19 seen in these messages, in your experience is it always  
20 fentanyl when you field test it and it goes to the lab, do they  
21 know it is fentanyl?

22 A. No. It is very common for it to not be fentanyl. There  
23 are many different precursors that people will use to sell in  
24 place of fentanyl. It could be a steal fentanyl, a fentanyl  
25 analog, cocaine with a little bit of fentanyl in it. It could

1 be sham or fake drugs, or powdered butylone. That is a very  
2 common way of selling bath salts. It could be a variety of  
3 narcotics inside a capsule, but the capsule is a typical way  
4 and the most frequent way that people will sell fentanyl and  
5 heroin.

6 Q. So that capsule that the drug distributor is marketing as  
7 fentanyl, it could be cut with different agents such as a  
8 synthetic cathinone in it.

9 A. Absolutely. There are hundreds of different types of  
10 powders or chemicals that can be used to cut it. We have seen  
11 something called mannitol that is sold in the flea market it's  
12 an item people use for cutting narcotics, basically cleaning  
13 it, because if it was pure fentanyl, the average user will be  
14 killed so they need to put different types of items inside of  
15 that fentanyl to dilute it.

16 They are not scientists, sometimes they will over dilute  
17 the chemical and there may not be any fentanyl in it, at no  
18 fault of the supplier, just the way things go. It could be any  
19 number of items inside that capsule, that is what makes it so  
20 dangerous.

21 Q. At other times they could be diluting, and at other times  
22 can it be a different synthetic cathinone than fentanyl which  
23 is more dangerous than fentanyl.

24 MR. SCHUMACHER: Objection, leading.

25 THE COURT: Sustained. You can rephrase the question.

1 BY MS. DARSCH:

2 Q. Could it also -- I am going to reword it.

3 Are you familiar with N-powderlitoentozyline (phon)?

4 A. Yes, I am.

5 Q. Do you know if -- based on your undercover experience in  
6 buying narcotics on the street, do you know if you buy fentanyl  
7 it could be N-powderlitoentozyline (phon)?

8 A. Yes. As I said there are numerous different chemicals,  
9 that is one of them that we frequently encounter. It's  
10 something that is related to fentanyl. We categorize it when  
11 we are buying fentanyl as fentanyl. It is under the same  
12 classification as far as the drugs that we investigate, but it  
13 is one of those items that can be sold in place of fentanyl.

14 Q. Is N-powderlitoentozyline (phon) a controlled substance?

15 A. Yes, it is.

16 Q. All right. Now, I want to go back to Government Exhibit  
17 21 -- 22, I apologize, Government Exhibit 22, and I am going to  
18 go back to page 52.

19 If you could please read for me from page 52 the messages  
20 in blue, we already went over the messages in green, those two  
21 messages, and if you could read from 52, those blue messages,  
22 all the way to the end of page 53, if you could please read  
23 that?

24 A. The messages start from Unc Butterball on February 26,  
25 2022, saying, "Call me. How much you gave him. I'm coming to



1 get 100 worth of dope. I got the money thug. It's not for me.  
2 I got a bother play for the 30 on molly. You got two plays  
3 coming 80 play wtf nephew. Need to see everybody on 52 today  
4 6:00 p.m. (mandatory meeting) from diamond. Make sure kg there  
5 to 6:00 p.m. mandatory."

6 Q. Okay. So, molly here, what are we referring to?

7 A. Like I said, MDMA, butylone, it could be methamphetamine,  
8 any of these types of narcotics, synthetic narcotics.

9 Q. What is this, need to see everybody on 52 6:00 p.m.,  
10 mandatory meeting, make sure kg there to 6:00 p.m. mandatory  
11 meeting?

12 A. In West Palm Beach, Florida you have very sectioned off  
13 areas where they sell narcotics. These areas will typically  
14 work together to further the drug trade, so you may have an  
15 area in 52nd Street and another area towards the south end of  
16 the city that works completely independent of that area.

17 You don't have singular drug dealers in those areas because  
18 they are going to conflict with each other on who is going to  
19 make money when, and whoever is closest to the cars coming in  
20 will get more business than the person at the end of the  
21 street.

22 Instead, they will work together and take turns and  
23 coordinate to maximize their profits. At times they would meet  
24 to either combine their profits or figure out who is selling  
25 the crack or fentanyl capsules. So, they are organized and

1 this meeting would be one of those organizational aspects.

2 Q. Thank you.

3 Continue reading the following messages on page 54,  
4 following kg there.

5 A. Sure. Continuing, Unc Butterball on 2/26/2022, "We have to  
6 stop serving out the front yard. I'm putting a lock on that  
7 gate sorry guys. We need to stop serving out the yard them  
8 crackers watching I'm telling y'all. I seen it with my own  
9 eyes. I'm telling y'all detectives riding thur. We have to  
10 find another way. This shit here not right I'm locking the  
11 gate."

12 Q. So, why are we locking the gate?

13 A. To keep the public out from behind the gate. Law  
14 enforcement needs to articulate why they are going to certain  
15 areas, people's residences. If something is locked it makes it  
16 more difficult for us to investigate in that area unless we  
17 have a specific reason to go back there. It will deter people  
18 from entering that area is the answer.

19 Q. So, how -- if the gate is locked, how would law enforcement  
20 be able to get inside? Do they need a legal document?

21 A. Yes, you would need a search warrant in order to get back  
22 there.

23 Q. And serving, when he says serving, Uncle Butterball says,  
24 we have to stop serving out the front yard, what is serving?

25 A. Serving is selling narcotics that's common terminology for

1 dealing. They are not going to say in a text message we need  
2 to stop selling drugs out of the front yard, they are going to  
3 say code words like serving.

4 Q. Okay. And then if we could just scroll down to the first  
5 message on page 55, right after Uncle Butterball, could you  
6 please read what Uncle Butterball says?

7 A. Yes. On the same date, 2/26/2022, Unc Butterball says,  
8 "I'm locking the gate."

9 Q. Okay. Then I want to turn to page 56. If you could just  
10 read that top green message for me?

11 A. This message is from Mr. Boone to Unc Butterball on  
12 2/26/2022, the same day, stating, "I need the plug on the  
13 concrete."

14 Q. What is a plug and what is concrete?

15 A. A plug is street terminology for a source of supply of  
16 narcotics, it is a plug. It's your way of getting whatever  
17 narcotics you are selling. Concrete is street terminology for  
18 crack cocaine, a hard substance. They associate that with  
19 cocaine base, also a hard substance like hard, rock, just  
20 another term they will use to conceal what they are talking  
21 about.

22 Q. If you could keep reading on page 56, starting with that  
23 second blue chat, and then I am going to ask you to end on the  
24 first green chat on page 57.

25 A. From Unc Butterball on the same date, 2/26/22, "I'm trying.

1 Give kg his money nephew. Mr. Boone responds, "lght." Unc  
2 Butterball says, "I told him already. Tell him to sell me a  
3 ball. Now dollar." Boone responds, "lght."

4 Q. What does this conversation mean?

5 A. It starts off by Unc Butterball telling Mr. Boone to give  
6 kg his money, which is self explanatory, and then he says tell  
7 him to sell me a ball. A ball is referring to an eight ball of  
8 narcotics, eight ball would be an eighth of an ounce.

9 Now a dollar, dollar is a street term for \$100 worth of  
10 narcotics. It's just more code they use to talk about other  
11 quantities or weight of narcotics or dollar amounts.

12 Q. Okay. Now I want to turn to page 62. If you could read  
13 the second green chat message all the way to the end of that  
14 page?

15 A. Sure. On 2/28/2022, Mr. Boone sends a message to Unc  
16 Butterball in all capitals saying, "He keeping the caps." Unc  
17 Butterball responds, I'm good y'all not fina run my buddy away.  
18 Boone responds, "He acting like he don't want to sell the  
19 rest." Unc Butterball says, "Fuck him I know the plug too."  
20 Boone responds, "Yoo. Just seen yo call." Unc Butterball  
21 responds, "I need hats. I'm coming."

22 Q. There is a lot going on here. Keeping the caps, not going  
23 to run my buddy away, he doesn't want to sell the rest, I know  
24 the plug, too, I need hats. What is going on here with plugs  
25 and hats and caps and running people away?

1 A. This is a conversation between Mr. Boone and Unc Butterball  
2 talking about a resupply that Mr. Boone is going through at the  
3 moment and he's texting Unc Butterball because he sees that he  
4 has an interest in what is happening.

5 Mr. Boone is complaining about the source not providing  
6 fentanyl or heroin capsules to him when most likely that was  
7 what was negotiated initially with Unc Butterball and Mr. Boone  
8 or Mr. Boone and the source of supply. Unc Butterball is  
9 minimizing it because he doesn't want a conflict to start  
10 between Mr. Boone and the source of supply because Unc  
11 Butterball is the one that is connected to the source, so  
12 doesn't want his source run away by the people who are selling  
13 for him.

14 Then a message from Unc Butterball, on 3/1/2022, is sent to  
15 Mr. Boone saying "I need hats." Hats is another term for  
16 capsules, caps, hats, another term for fentanyl capsules,  
17 another way of saying caps.

18 Q. Now I want you to continue reading all the way to the end  
19 of page 65. Starting at the top of page 64, the first green  
20 chat, all the way to 65, which is continuing from "I need  
21 hats."

22 A. Sure. Yeah, so the next message is to Unc Butterball from  
23 Mr. Boone in response to any hats saying, all mine gone. Q got  
24 all the hats. Unc Butterball responds, "Ok get five of them  
25 from q. Mr. Boone responds, "lght bro have that cheese no

1 shorts I still got the scale and the empty ones." Unc  
2 Butterball says, "Ok. Make ten hats out of the five Yoo.  
3 Bring me a fat dub." Mr. Boone responds, "lght wya," where you  
4 at. Unc Butterball responds, "The back."

5 Q. What is going on here with Uncle Butterball and Mr. Boone  
6 and the scale and making ten hats out of five?

7 A. This conversation is continuing from the first page. Unc  
8 Butterball is asking for the hats or the capsules. Mr. Boone  
9 says he doesn't have any and that Q has all the capsules. Unc  
10 Butterball instructs Mr. Boone to get five from Q. Mr. Boone  
11 then responds, "lght bro have that cheese no shorts I still got  
12 the scale and the empty ones." What he is saying is have the  
13 money and don't short any of the capsules.

14 Very frequently people will sell heroin or fentanyl  
15 capsules and not completely fill them, they may be half filled,  
16 two-thirds of the way filled and that is shorting the person  
17 that's buying the tablets. He is assuring that they are filled  
18 capsules for what they are trying to do.

19 He says he still has a scale and the empty ones. He is  
20 insinuating that he is able to break down the capsules with the  
21 scale to measure out the weights and refill empty capsules and  
22 try and make more capsules out of the five, which you read on  
23 the next page where he says "make ten hats out of the five."

24 He is receiving five capsules of fentanyl or heroin, they  
25 are able to use the cutting agent to then take the five

1 capsules of purer -- more pure fentanyl or heroin and break it  
2 down into ten capsules, maximizing their profits. Whatever  
3 they may pay for the five capsules, they can make twice that  
4 with ten.

5 Q. What is the date of this conversation?

6 A. March 1, 2022.

7 Q. Now we are moving away from Uncle Butterball, and turning  
8 your attention to page 68, Ruthyln. This wasn't in here prior,  
9 when we previously spoke about Ruthyln. Starting on page 68,  
10 could you please read that first chat message continuing on --

11 A. Just the first message?

12 Q. Yes, and the second, this whole page.

13 A. The message is from Ruthyln on 1/20/2022, "Hi, Mr. Boone,  
14 what is your email address?" Mr. Boone responds, "Hey."

15 Q. And just keep reading, 69 all the way to 70.

16 A. Mr. Boone responds stating, "1423 7th Street West Palm  
17 Beach Florida 33401." Ruthyln responds, "Please send your  
18 email address. Okay, thanks." Mr. Boone responds, "That's my  
19 current address." Ruthyln responds, "Thanks. What's your  
20 email." Mr. Boone responds, "willbopopup@gmail.com." Ruthyln  
21 responds, "I got it, thanks."

22 Q. Now I want to turn your attention to page 71, text messages  
23 showing KG Cuh.

24 What is the start -- the start time and last activity and  
25 who are these texts with?

1 A. The messages begin on January 20, 2022, and they continue  
2 up until March 3, 2022, and they are with a person named KG  
3 Cuh.

4 Q. Okay. So now turning to page 72, the first green chat box,  
5 could you please read this?

6 A. Yes. The message is from Mr. Boone on January 20, 2022,  
7 "Send them plays if they call I'm outchea."

8 Q. What are plays?

9 A. Drug deals.

10 Q. So, what is he requesting?

11 A. He is asking KG to send any potential drug deals his way,  
12 I'm out here, basically saying I am out and ready to sell if  
13 somebody needs drugs. They will typically work off of  
14 referrals to make sure the people aren't law enforcement and  
15 they are trusted enough to be sold narcotics.

16 Q. Turning to page 73, could you please read starting from the  
17 second green chat and continue on to the end of page 73?

18 A. Yes. The message begins from Mr. Boone on 2/26/2022, "I  
19 got the money from Jamal cuh just in case you go to asking.  
20 And the tools on the bottom shelf of the oven. I'm at the  
21 house for a lil bit and Q watching the house."

22 Q. What are tools?

23 A. Tools are street terminology for firearms, it is a tool of  
24 the trade. That is what they will frequently use to identify a  
25 firearm.



1 Q. What is this conversation entailing with he got the money  
2 from Jamal, the tools are on the bottom shelf of the oven, he  
3 is at the house and Q watching the house?

4 A. Yes. The first message is simply saying he received money  
5 from Jamal, which is someone he had mentioned earlier. The  
6 tools in the bottom self of the oven, if people are working out  
7 of the house selling narcotics, they will come and go. They  
8 are not going to reside necessarily at the house, they will be  
9 there for the day selling drugs and then leave.

10 In this case, it seems that the firearms were left at the  
11 house for his partner. You are going to hide the firearms in  
12 the event that a search warrant is conducted and you don't want  
13 law enforcement to find the firearms or if somebody breaks in  
14 you don't want the firearms in plain sight. You want them  
15 to have to look for them or hide the guns.

16 In this particular case, Mr. Boone is telling KG that the  
17 guns are hidden on the bottom shelf of the oven if he needs  
18 them.

19 Q. Now turning your attention to page 74, the very top, that  
20 first green chat message on page 74.

21 A. This is a message from Mr. Boone on 3/3/2022, March 3,  
22 2022, to KG saying, "Yoo where you put the caps cuh?"

23 Q. What does this mean?

24 A. This is a message from Mr. Boone to KG asking where he put  
25 the capsules. Just like firearms, you are not going to leave

1 the narcotics out in plain sight, you are going to hide them.  
2 So, they are working together and the capsules were hidden by  
3 KG and Mr. Boone is trying to find them.

4 Q. Now I want to turn your attention to text messages with an  
5 individual named Nicole. Here are the messages. Are we  
6 looking at messages following Nicole?

7 A. Yes.

8 Q. Okay. If we could scroll down to page 75, and if you could  
9 read the -- this page, if you could read all of page 75?

10 A. Sure. The first message is from Nicole January 20, 2022,  
11 "Turning on 52 now I'm walking I need the same. Stay up please  
12 I will be right back." Mr. Boone responds, "OK bae I gotchu."  
13 Nicole responds, "Thanks." Mr. Boone responds, "\$15 hats all  
14 night."

15 Q. Okay. What does it mean, \$15 hats all night, to Nicole?

16 A. Mr. Boone is advertising a discounted price for fentanyl  
17 capsules or hats for that night. That is common. If it is  
18 slow for the drug dealer at that time, they will frequently  
19 offer a discounted price to frequent buyers that typically hang  
20 out with other users to try and gather extra business that  
21 night to make up for their losses.

22 Q. I am going to ask you to keep reading the conversation  
23 between Mr. Boone and Nicole all the way to page 77.

24 A. Nicole states, "Please get some hard even if you just get  
25 me a dub for 15 from someone real fast I just don't want to

1 deal with anyone else." Mr. Boone responds, "OK." Nicole  
2 says, "What's up you get that." Mr. Boone, "Not yet. I got  
3 hard now. Nicole says, "Yo where you at." Mr. Boone responds,  
4 "I'm on 52. I'm out all night." Nicole responds, "You out.  
5 Yo."

6 Q. What does this conversation entail between Nicole and Mr.  
7 Boone?

8 A. It begins with Nicole asking Mr. Boone for crack cocaine or  
9 hard, and stating that she will settle for a dub, or one of the  
10 single rocks that you had seen earlier in all the pictures, the  
11 single piece of crack for \$15. That is a good price, but it's  
12 a common price for someone who is a frequent user. Someone who  
13 is a repeat customer, they are going to get a better deal, and  
14 that is what they are asking for here. They are stating that  
15 they don't want to deal with anybody else because of their  
16 relationship.

17 The conversation continues with Nicole following up, seeing  
18 if Mr. Boone has acquired the narcotics yet. Initially he says  
19 not yet, but then he says, I have hard now, referring I now  
20 have crack cocaine. Nicole says, where you at, and Mr. Boone  
21 says I am on 52, or 52nd Street, and states he is out all  
22 night. And Nicole follows up, yo.

23 Q. Would you keep reading the messages between Nicole and Mr.  
24 Boone?

25 A. Sure. At the end of page 77 Nicole says, "Yo," January 26,

1 2022. Mr. Boone responds, "Wasup." Nicole responds, "Y'all go  
2 to bed too early got a phone for sale for some hard." Mr. Bone  
3 responds, "Wasup call me." Nicole responds, "Sick. Okay,"  
4 from Mr. Boone. Nicole responds, "Do you know where Mike is I  
5 need a cap spot. Can you spot me a cap." Mr. Boone responds,  
6 "Wasup. Got gas gray hats." Nicole responds, "2 for 30." Mr.  
7 Boone responds, "Yeah. Wya. 2 for 25." Nicole responds,  
8 "50th Flagler where u." Mr. Boone responds, "52th."

9 Nicole responds, "Give me a few I have to run and grab the  
10 money and then I will text you can you meet me." Mr. Boone  
11 responds, "OK. Let me know when you come back." Nicole  
12 responds, "On 45th." Mr. Boone responds, "OK. What you need  
13 so I can get it ready." Nicole responds, "I'm gonna come up  
14 that way in a few I need 2." Mr. Boone responds, "Ok." Nicole  
15 responds, "Wya. Ok I got 35 I need a dime too."

16 Q. Continue.

17 A. Nicole responds, "Yo. Yo." Mr. Boone responds, "Thank you  
18 bae y'all let me know how that gray shit is. If you and George  
19 can get some money so we going to talk about me putting y'all  
20 on to get some money." Nicole responds, "Ok but how you gonna  
21 charge me 25 fir two little hats. Wya," where you at. Mr.  
22 Boone responds, "They \$10 a piece bae. That's it. 3 for 25."

23 Nicole responds, "I know you said 25 for 2 I only got 2 lol  
24 it's okay." Mr. Boone responds, "My bad if I charged you any  
25 extra I'll do better. Yea but I gave George two hats and a

1 dime of hard when he came." Nicole responds, "I know babe  
2 lol." Mr. Boone responds, "Ok love you hit me up I'm up all  
3 night." Nicole responds, "I got them I'm just pickin cause the  
4 text said 2 for 25. I got you I'm about to try it now." Mr.  
5 Boone responds, "Ok let me know on a scale of 1 to 10 being the  
6 best."

7 Nicole responds, "It's not all Fetty it got real h in it I  
8 can tell because I've got hives all the way up my arm. No rush  
9 but little head change they're not very good for shooting but  
10 they might be awesome for smoking or snoting." I think they  
11 meant snorting. Mr. Boone responds, "Ok. Other people said it  
12 was gas." Nicole responds, "For smoking or snoting I'm sure it  
13 is. You got it to understand all that my tolerance is  
14 outrageous it takes me 3 of Mike's to just get well not high  
15 just well." Mr. Boone responds, "Right I understand." Nicole  
16 says, "I would never guide ya wrong."

17 Q. Okay. We will take a stop here before continuing.

18 What is going on in this conversation?

19 A. So, in this conversation, it is obvious that Nicole is  
20 someone called a tester. People that are selling frequently of  
21 narcotics will have somebody that they trust to test their  
22 product for them.

23 As you can imagine with fentanyl as dangerous as it is, if  
24 you sell a product that is too strong it will kill the users.  
25 If you sell somebody that is too weak the users are not going

1 to be happy. You need somebody to consistently test your  
2 narcotics that you can trust that will be able to give you  
3 feedback on how strong or how weak the narcotics are so you can  
4 sell it more efficiently and not kill the people that are using  
5 your drugs.

6 They are negotiating prices for capsules and rating the  
7 fentanyl capsules on a scale of 1 to 10 on how good they are.  
8 Gray is a term for a mix of fentanyl and heroin, and that is  
9 generally what this conversation is. He's asking Nicole how  
10 good are my narcotics, and Nicole saying it's good for one way  
11 of ingesting narcotics, whether it be shooting it, snorting or  
12 smoking, and bad in other ways.

13 That basically is stemming from certain ways of ingesting  
14 narcotics will provide a greater high. If you shoot it may be  
15 a better high with heroin or fentanyl versus smoking or  
16 snorting, or vice-versa, and that is what that conversations is  
17 detailing.

18 Q. What are gas gray hats? What is gas?

19 A. Gas is high quality, they're good, they're not dirty, not  
20 useless hats, they are good ones.

21 Q. Okay. When Nicole says, not all Fetty, it got real h in  
22 it, what is Fetty and what is real h?

23 A. Fetty is a street term for fentanyl, and h is an  
24 abbreviation for heroin. With fentanyl, you are going to mix  
25 it with different cutting agents. Frequently fentanyl is cut

1 with heroin, it used to be heroin was being cut with Fetty.  
2 That has now switched. When we buy heroin, we expect there to  
3 be fentanyl. It has switched and now people are buying  
4 fentanyl and cleaning it up with heroin. Years ago that was  
5 not the case, people were buying heroin like they have been 30,  
6 40 years, and fentanyl slowly was introduced to it and has now  
7 taken over for the heroin.

8 Q. Okay. Continuing on the bottom of page 87, you left off  
9 with Nicole telling Mr. Boone, I would never guide you wrong,  
10 if you could keep reading?

11 A. Sure. On the next page Mr. Boone texted Nicole on  
12 2/1/2022, "Hit me up. 3 hats for 25 fire." Nicole responds,  
13 "Just got up. Mr. Boone, "Ok let me know wasup. I might give  
14 you a wake up if you need." Nicole responds, "I'm trying to  
15 make some money sweets." Mr. Boone responds, "Ok have you ever  
16 tried the gray hats before?" Nicole states, "Yours yesterday."  
17 Mr. Boone responds, "How was it on a scale from 1 to 10.  
18 Nicole says, "For me I didn't like it but my tolerance is  
19 outrageous. It's probably great for a smoker or someone who  
20 sniffs."

21 Mr. Boone, "Ok." Nicole, "That doesn't mean I ain't going  
22 to fuck with you though." Mr. Boone, "I got gate hard to right  
23 now. Ima just get some fetty and mix it with the gray stuff."  
24 Nicole says, "That would be great don't cut the Fetty though."  
25 Mr. Boone responds, "Nah I get it raw same plug as Mike. You

1 know me and him blood cousins." Nicole responds, "I didn't  
2 know my suggestion would be get the Fetty and use the gray shit  
3 like its your cut. If you did that I bet they would be fire  
4 and you would have the best on the block." Mr. Boone responds,  
5 "Bet." Nicole, "Hey are you awake." Mr. Boone responds, "Yea  
6 wasup." Nicole, "I just got moving what's up." Mr. Boone to  
7 Nicole, "This will save my number."

8 Q. So we will stop there.

9 So, what is this conversation going on on pages 88 to 92,  
10 three hats -- let's just start with on page 88, three hats for  
11 25 fire.

12 A. This message is from Mr. Boone saying he has three fentanyl  
13 capsules and they are fire, they're high quality, stuff I think  
14 is good.

15 Q. And then turning to page 89 at the top, the first green  
16 chat box, what does that mean when Mr. Boone tells Nicole, I  
17 might give you awake up if you need in the context of these  
18 messages.

19 A. A wake up would be a dosage of heroin or fentanyl. Heroin  
20 and fentanyl users, as they progress through the stages of  
21 being a user they are going to need to ingest fentanyl and  
22 heroin on a consistent basis just to stay alive. If they were  
23 to stop they are going to get extremely sick, vomiting and  
24 various health issues that could lead to death.

25 It is obvious that Nicole is an extreme user of the



1 substances and she needs heroin or fentanyl on a daily basis  
2 just to function. Mr. Boone is saying he could provide her  
3 with this narcotic for the day to get her going, the wake up.

4 Q. And then gray hats, is that the fentanyl capsules?

5 A. Yes, hats, capsules. The gray is referring to the mixture  
6 of fentanyl or heroin that he has.

7 Q. And when Nicole tells Mr. Boone, yeah, she did try those  
8 gray hats before, the scale from one to ten, what is he asking  
9 her to do?

10 A. Mr. Boone is asking her to rate the capsules and the  
11 quality of the narcotic. Like I said earlier, they vary very  
12 frequently from very potent to very diluted. That's what this  
13 question is, to rate my narcotic. As you see in the next  
14 messages, Nicole will say she didn't like it, that's because  
15 her tolerance is outrageous, referring to how she needs  
16 narcotics every day just to function.

17 She says probably great for a smoker or someone who sniffs,  
18 referring to how people ingest it, smoking the heroin or  
19 fentanyl or sniffing and snorting it. It would be better to  
20 ingest it that way versus shooting or injecting the heroin or  
21 fentanyl, which is also common.

22 Q. What does she mean when she responds, I ain't going to F  
23 with you, though?

24 A. She is saying that since it is not the narcotic that she  
25 would typically use, she is not going to turn away from Mr.

1 Boone. They have such a good relationship that she will  
2 continue to deal with him at that level.

3 Q. And what does the following message, gate hard, mean? I  
4 got gate hard two right now.

5 A. It is referring to hard crack cocaine. He is advertising  
6 that to Nicole. Frequently people that are using fentanyl or  
7 heroin will either be selling on the side or also using crack  
8 cocaine.

9 Q. When he says he will get fatty and mix it with the gray  
10 stuff, is that what you referred to earlier, he'll get fentanyl  
11 and mix it with the gray stuff, being heroin?

12 A. Yes, exactly. It's just mixing, I am going to get some  
13 fatty and mix it with the gray stuff. The gray stuff is the  
14 product he already has, but he's going to acquire more fentanyl  
15 to make it stronger because earlier she was complaining about  
16 how her tolerance was high, it didn't affect her. His response  
17 is the I will make it more potent with fentanyl.

18 Q. Okay. What does it mean when you read on page 91, when  
19 Nicole told him that that would be great don't cut the fatty?  
20 What does she mean, don't cut the fatty?

21 A. She is meaning don't mix the fentanyl with anything before  
22 it's mixed with the heroin with a concern it may be diluted too  
23 much. You want to use pure fentanyl and mix it with heroin and  
24 other cutting agents. You don't want to mix the fentanyl  
25 before you mix it with the heroin because it may be diluted at

1 that point too greatly.

2 Q. And then Mr. Boone responds to Nicole, nah, I get it raw,  
3 same plug as Mike. What is raw and plug? What is he telling  
4 her here?

5 A. Mr. Boone is stating he gets raw fentanyl, pure fentanyl  
6 and that it is the same source of fentanyl that Mike has.

7 Q. And then he refers to Mike as blood cousins?

8 A. Saying they are very close, they might actually be related,  
9 but saying they're blood is a common term saying they are  
10 close.

11 Q. The following message, Nicole says, I didn't know my  
12 suggestion would be get the fatty and use the gray stuff as  
13 your cut. If you did that I bet they would be fire.

14 What is she talking about when she says it would be fire?

15 A. This entire message, at the beginning it says, I didn't  
16 know, that is referring to them being tight. Then her saying,  
17 my suggestion would be to get the fatty and use the gray stuff  
18 like it is your cut, she wants predominantly fentanyl in the  
19 capsule and just cut the fentanyl with the gray stuff you  
20 already have, and not vice versa. She wants a capsule of  
21 fentanyl with a little bit of the gray.

22 She is saying that would then be a great product and would  
23 be the best on the block, on 52nd Street.

24 Q. Okay. Continue reading the next page, page 92, continuing  
25 on with the messages from Nicole.

1 A. Mr. Boone, on 2/12/2022, says, "Bet." Nicole responds,  
2 "Hey are you awake." Mr. Boone, "Yeah, wasup." Nicole, "I  
3 just got moving what's up." Mr. Boone responds, "This will  
4 save my number."

5 Q. Okay. And then if you could read Nicole's response on page  
6 93?

7 A. Nicole responds, "I already have your number."

8 Q. Okay. Now, I am not going to have you read all of Nicole's  
9 messages. If we could skip to Aj Brother Dee, messages between  
10 Mr. Boone and Aj Brother Dee on page -- let's go to page 132.  
11 If you could start on page 132, to the last green box, yes, the  
12 last green box.

13 If you could read that to the second green box on page 133?

14 A. Mr. Boone sends a message on 2/27/2022, "Yoo." Aj Brother  
15 Dee responds, "Work." Mr. Boone responds, "Oh ight. Why tf Aj  
16 leave with a tool for hours. And been gone." Aj Brother Dee  
17 responds, "Wym", what do you mean. "He not in da hood?" Mr.  
18 Boone responds, "Ion know I'm on 52 he was holding the xd then  
19 just disappeared."

20 Q. Okay. These messages between Aj Brother Dee and Mr.  
21 Boone, Why tf Aj leave with a tool for hours, what is a tool  
22 again?

23 A. Firearm.

24 Q. Okay. And then turning to page 133, Ion know, I'm on 52 he  
25 was holding the xd then just disappeared. What is an xd?

1 A. Xd is a model of a firearm, it is actually the model of the  
2 firearm I showed you earlier, not the one with the Glock switch  
3 on it, but the other one pistol we had talked about.

4 Q. Okay. Let me grab that. If I could switch to the ELMO.

5 So, the other pistol that you said you examined -- is this  
6 the other pistol that you examined?

7 A. Yes, it is.

8 Q. What is that? It's a Springfield Armory pistol?

9 A. Springfield Armory is the company that sells and  
10 distributes the firearm, but the model is a Springfield XDS, as  
11 you see here. There are numerous sub models of the XD firearm,  
12 but this is the actual model of the firearm. It's the polymer  
13 pistol that Springfield manufactures.

14 Q. Mr. Boone sent a text on 3/20/2022, to Aj Brother Dee, I  
15 don't know I am on 52 he was holding the xd. Is he talking  
16 about Aj leaving with the tool for hours, meaning the XD?

17 A. Yes. So, based off the context of the conversation, it is  
18 obvious that he is referring to he's on 52nd Street, Aj was  
19 holding the XD, the firearm you see on the screen, and then  
20 just disappeared.

21 Q. So, this Springfield Armory pistol, this is referred to as  
22 an XD?

23 A. Yes. If I were talking about this firearm not formally, I  
24 would refer to it as an XD pistol.

25 Q. Okay. Thank you.

1 MS. DARSCH: I tender the witness for  
2 cross-examination.

3 THE COURT: Okay. Cross-examination.

4 CROSS-EXAMINATION

5 BY MR. SCHUMACHER:

6 Q. Agent Finnamore, you indicated that the address 621 52nd  
7 Street, you are familiar with that location?

8 A. Yes, I am.

9 Q. You are familiar with it because you were stationed in the  
10 West Palm Beach ATF office for how many years?

11 A. Approximately five and a half years.

12 Q. You are familiar with the house and the efficiency in the  
13 back, correct?

14 A. I have never been to the efficiency in the back. The deals  
15 that we conducted at that residence were either in the front  
16 yard, on the curb, or directly behind the gate. I was never  
17 the undercover for that, I was the case agent for those deals.

18 Q. How many deals would you say you did at that location,  
19 where you were personally involved?

20 A. I am just trying to think of the number. I would say over  
21 ten deals.

22 Q. Over ten deals, okay.

23 What is the time period we are talking about there?

24 A. Two years.

25 Q. What years to what years?

1 A. Sorry.

2 Q. No, I wasn't specific.

3 A. 2019 to the end of 2020.

4 Q. The number of times that your colleagues, for instance,  
5 would have been either doing undercover deals or surveilling  
6 that location, how many times would you say?

7 A. As in other law enforcement during that time period?

8 Q. Other ATF agents. Were you always involved in every  
9 investigation that occurred at 621 52nd Street or would  
10 sometimes other colleagues do things and report back to you?

11 A. During the time period of 2019 to 2020, I believe I was  
12 involved in every operation at that residence.

13 Q. Roughly, about ten times you were there?

14 A. Yes.

15 Q. That was to do a deal?

16 A. Yes.

17 Q. Were there additional times when you were there to actually  
18 surveil?

19 A. Yes.

20 Q. Okay. When you say -- and you have been tendered as an  
21 expert in street narcotics and distribution of narcotics.

22 Would you say it is very common for distributors of narcotics  
23 to take extreme measures to conceal their identity?

24 A. In what way? As just in general?

25 Q. In general.

1 A. Yes.

2 Q. You talked about code in all of these varying texts,  
3 correct?

4 A. Yes, in that context.

5 Q. Specifically, they try to conceal their identity whenever  
6 possible, right?

7 A. Yes.

8 Q. They use alternative names, for instance?

9 A. They will use nicknames, they may just have a number, it  
10 could be a variety of things.

11 Q. Different identities, correct?

12 A. The identity in that context would be known to the person  
13 they are talking to. They wouldn't initiate a conversation  
14 with somebody they didn't know using a code name. That name is  
15 predetermined with whoever they are dealing with.

16 Q. One of the additional ways that they try to take steps to  
17 conceal their identity is by using what we call burners,  
18 correct?

19 A. You are referring to a cell phone?

20 Q. Yes, sir.

21 A. Yes.

22 Q. Would you tell the jury what a burner is?

23 A. Yes. A burner cell phone would be a device used by a  
24 narcotics supplier purely for selling narcotics, it may be in  
25 addition to their personal cellular device.



1 Q. The Government provided you with an exhibit.

2 You mentioned on direct examination that street-level  
3 distributors many times will have -- what did you call it, the  
4 wad of money?

5 A. They call it multiple things, but a dealer band is a common  
6 term.

7 Q. I think you told the jury that many times those are  
8 comprised of ones, fives, tens, et cetera, correct?

9 A. Yes, smaller bills.

10 Q. Again, in this case, there was some money that was seized  
11 that involved numerous 20's, 50's, 100's, correct?

12 A. I don't know.

13 Q. You don't?

14 A. I haven't seen any of the currency.

15 Q. Okay. You mentioned that there were certain tools of the  
16 trade for street-level narcotics dealers, correct?

17 A. Yes.

18 Q. One of those things was a fire or a gun, correct?

19 A. Yes.

20 Q. The reason why they arm themselves is because there are  
21 dangers associated with the drug trade, correct?

22 A. Yes. Absolutely.

23 Q. Life and death dangers?

24 A. Yes, people that have been robbed in the past typically  
25 have to defend themselves against other people shooting at

1     them.

2     Q.   Maybe rival dealers that want to eliminate competition,  
3     correct?

4     A.   Yes.   Absolutely.

5     Q.   People that want to rip them off?

6     A.   Sure.

7     Q.   Both of money --

8     A.   Money or drugs.

9     Q.   -- or drugs, or and maybe even a gun, correct?

10    A.   It would be hard to get a gun away from somebody that you  
11    were robbing if they were shooting back at you, but I get what  
12    you are saying.

13    Q.   Part of the reason why it would be difficult is because the  
14    drug dealer would keep the gun on his person, correct?

15    A.   Correct.

16    Q.   If you are arming yourself, presumably it is to use the gun  
17    for one of those protections, correct?

18    A.   Absolutely.

19    Q.   A drug dealer shouldn't be walking around -- if he is  
20    arming himself, he is going to have a gun on him, correct?

21    A.   In most circumstances.   In a situation where you are moving  
22    out of a residence, especially a residence that is frequently  
23    targeted by law enforcement for narcotics sales, it would be  
24    prudent not to have the firearm directly on your person because  
25    law enforcement will frequently step out or make contact with

1 people at the house. It's no secret that people are selling  
2 narcotics at the house. Law enforcement is consistently  
3 investigating them, so they are going to need to take efforts  
4 to distance themselves from firearms, hiding them under items,  
5 but they will be in close proximity.

6 Q. The term you used on direct examination was that they had  
7 to be readily available, correct?

8 A. Correct.

9 Q. Okay. What about -- phones are an integral part of a  
10 narcotics dealer?

11 A. Yes.

12 Q. Many of these texts suggest an urgency from the person  
13 looking to buy narcotics?

14 A. Yes.

15 Q. Again, if a phone is being used in connection with  
16 narcotics trafficking, presumably it is going to be also  
17 readily available to that person?

18 A. Yes.

19 Q. That is because the phone is their lifeline to keep money  
20 coming in, correct?

21 A. In most cases, yes.

22 Q. I want to turn to Government Exhibit 21-E.

23 You made an examination of this Glock firearm, did you not,  
24 sir?

25 A. Yes, I did.

1 Q. And can we agree -- do you know when that picture was  
2 taken? You know when it was sent, but do you know when it was  
3 taken?

4 A. It would say on the message. I can't recount off the top  
5 of my head, but if I could review the message, I could tell  
6 you.

7 Q. I think the message is on page 52.

8 A. It appears that this picture was taken on 2/25/2022, it's  
9 under the details of the photograph that was sent there in fine  
10 print. If you can see it, IMG, 2022, 02, 25.

11 Q. Okay. So, can we agree that in that photograph -- can we  
12 agree in Government Exhibit 21-E we can't see whether or not  
13 there is a switch attached, correct?

14 A. Correct.

15 Q. And based upon your examination and your expert opinion, do  
16 you know what date the Glock switch was put on this gun?

17 A. No.

18 Q. Did you -- I read your report.

19 Do you know if this Glock -- you test fired it, correct?

20 A. I did not.

21 Q. Do you know if this Glock was ever fired before?

22 A. Before what?

23 Q. Your examination.

24 A. Yes, it would have been test fired for a comparison of the  
25 casing in the gun to casings recovered at crime scenes.

1 Q. Your ATF would have test fired it?

2 A. ATF ultimately would have test fired it for the  
3 determination that the Glock switch would be functional. That  
4 firearm was sent off to our lab in West Virginia, and they  
5 would test fire the gun there both in semiautomatic and fully  
6 automatic to ensure that it is a functioning machinegun.

7 The firearm also would be test fired by whoever recovered  
8 it immediately after so that the casings could be compared.

9 Q. Were you ever asked to identify a video of Mr. Boone firing  
10 that gun?

11 A. No.

12 Q. What is involved in installing this Glock? Could the  
13 average person do this or do you need to be a gunsmith?

14 A. The Glock switch can be installed in a matter of seconds.  
15 There is an official way to do it where you take the firearm  
16 apart and use tools to remove the back plate.

17 People have found that all you need to do is unload the  
18 firearm, you can slide the slide to the back, holding it back,  
19 and depress -- there is a little piece of metal under the  
20 slide. You hold that down with your finger, and use a flathead  
21 screwdriver and pop out the old one, put it in, and you can do  
22 it fairly quickly.

23 Q. So, besides the laser -- besides the laser and the  
24 flashlight and the extended magazine, for the most part this  
25 looks like a normal Glock firearm? I am not asking you from

1 your training and experience, I'm saying to the average person.

2 A. I would say that the tape under the trigger guard is very  
3 unique. I have never seen personally that tape on any other  
4 firearm, and the scratch would differentiate that from any  
5 other Glock firearm.

6 Q. I am not asking for individualized things that you have  
7 already pointed out, but if someone were to hand someone a  
8 Glock firearm, for the most part it looks like a normal Glock  
9 with those modifications?

10 A. Yes, all the items that I had said earlier in combination,  
11 that is readily apparent to be a Glock 17, yes.

12 Q. Okay. Could we have the ELMO? Thank you.

13 This is the switch that I'm pointing to at the back of the  
14 slide, right?

15 A. Correct.

16 Q. That extends out what, maybe a half inch?

17 A. I take your word for it.

18 Q. If I told you that a forensic examiner previously testified  
19 in this case from West Palm Beach Police Department who handled  
20 maybe 300 firearms in her career, if I told you that she didn't  
21 know before test firing this gun that it was an automatic  
22 weapon, would that surprise you?

23 A. No.

24 Q. Why not?

25 A. That's fairly common. Glock switches have only been around

1 a couple years. Granted that person may have examined dozens  
2 of firearms, or hundreds, but that does not mean that person  
3 had encountered a Glock switch before. It is becoming more and  
4 more apparent as the means to acquire them has become easier.  
5 Four years ago, say, Glock switches were not a thing. So, they  
6 may have examined 300 firearms over a decade long career, but  
7 it would be a finite time where that person had experience with  
8 Glock switches.

9 Q. I know you participated in a number of investigations  
10 involving narcotics. Is one of the tools that you use to  
11 investigate to issue subpoenas?

12 A. If --

13 Q. Have subpoenas issued?

14 A. If it is necessary, yes.

15 Q. For instance, if you see an Instagram account, for  
16 instance, that is something you have investigated before and  
17 subpoenaed those records, correct?

18 A. I have investigated Instagram accounts before. Are you  
19 saying in the context of narcotics sales?

20 Q. Yes.

21 A. I have done so, yes.

22 MR. SCHUMACHER: Nothing additional.

23 THE COURT: Any redirect?

24 MS. DARSCH: Briefly.

25 REDIRECT EXAMINATION

1 BY MS. DARSCH:

2 Q. Special Agent Finnamore, Mr. Schumacher asked you on cross  
3 about guns being on someone's person and whether they were  
4 easily accessible and operable. I am showing you Government  
5 Exhibit 6.

6 Are these two firearms right here easily accessible and  
7 operable?

8 MR. SCHUMACHER: Objection to the form of the  
9 question, your Honor. Under what scenario? I don't mind a  
10 hypothetical, but under what scenario?

11 THE COURT: Do you want to clarify the question?

12 BY MS. DARSCH:

13 Q. I will back up some. Special Agent Finnamore, how are  
14 these guns placed on the table?

15 A. They are placed inverted sitting on top of the slide and  
16 ready to be grabbed.

17 Q. So, I apologize, I am going to point it. Is this how it is  
18 placed on the table, a firearm that shows an extend magazine.  
19 This extended magazine would be already attached?

20 MS. DARSCH: Can I approach the witness, your Honor?

21 THE COURT: You may.

22 BY MS. DARSCH:

23 Q. That is how that firearm is?

24 A. Yes. So, you can see it is facing away from the camera in  
25 this photograph, but you can see it is sitting, just as the



1 jury would see, sitting away from them, except the magazine in  
2 this case was inserted into the magazine while the firearm and  
3 the slide was moved forward.

4 Q. Do you see a second firearm in that picture?

5 A. I do.

6 MS. DARSCH: Permission to approach, your Honor.

7 THE COURT: You may.

8 BY MS. DARSCH:

9 Q. Okay. So they are both together with the grip -- could you  
10 explain?

11 A. Yes. So, they are both facing the same direction, both  
12 have their magazines inserted into the firearm, and they are  
13 sitting on top of the slide as you can see here with the  
14 magazine in and the slide is forward.

15 Q. And where are the drugs in this picture?

16 A. All over the table.

17 Q. Next to the firearms?

18 A. Yes, next to the firearm, on the left edge there the  
19 capsules, right next to the gun there is crack cocaine, a bag  
20 of weed there. There are narcotics on that razor blade. It  
21 looks like the glass tub there has residue in it.

22 Q. So are these guns easily accessible?

23 MR. SCHUMACHER: Objection, your Honor, form of the  
24 question, asks for a legal conclusion that is inside the  
25 province of this jury to make that determination.

1 THE COURT: Can you rephrase the question?

2 MS. DARSCH: Mr. Schumacher asked this same question  
3 of guns being easily accessible of Mr. Finnamore, if they are  
4 on their person are they easily accessible and operable. I am  
5 asking the same question here.

6 MR. SCHUMACHER: It's a different question, Judge.  
7 These are not on anyone's person nor are they in close  
8 proximity to where witnesses have testified Mr. Boone was seen.

9 THE COURT: So, what exactly is -- restate the  
10 question.

11 BY MS. DARSCH:

12 Q. Mr. Finnamore, could you please explain the relevance in  
13 your training and experience of having a firearm in this  
14 position next to drugs with an extended magazine already in the  
15 firearm?

16 A. If I were to be sitting at this table and I were to be  
17 distributing narcotics, I would want the firearms right where  
18 they are.

19 Q. Thank you.

20 A. Close and ready to be used. If I had all my drugs there  
21 and I was breaking down narcotics, as is evident in this  
22 photograph, I want the gun with me at the table. I wouldn't  
23 want it in the bedroom or in the bathroom or in the kitchen.  
24 I'd want it sitting with me at the table in case I needed to  
25 use it for whatever reason.

1 Q. Thank you.

2 Now, Mr. Schumacher also asked you on cross about  
3 Government Exhibit 21-E. He asked you if you see a Glock  
4 switch in this pistol, and you indicated no.

5 I am now showing you Government Exhibit 21-C. Pause a  
6 little back. Stop right there.

7 Okay. Do you see a Glock switch here where I paused the  
8 video at five seconds for the record?

9 A. I've seen this video. The button for the switch that I had  
10 shown the jury earlier is clearly protruding from the right  
11 side closest to Mr. Boone of the firearm.

12 Q. Would you show with the physical exhibit, Government  
13 Exhibit 13, the Glock, how it would protrude in the video?

14 A. It is hard, but you can see the button here is pushing past  
15 the side wall of the slide and it's protruding just as in this  
16 photograph.

17 Q. Could you take the firearm and face it to the ceiling and  
18 show the Glock switch protruding? I will mark it on the video.

19 A. If you are able to see here, the button is here, there is a  
20 zip tie in the way, but it is apparent from me just sitting  
21 here that it is protruding past the side wall of the slide.

22 Q. And that is what you see in this video here, where I paused  
23 it at five seconds?

24 A. Correct, and if you play it forward you can see the switch  
25 on the back of the firearm.

1 Q. I am going to continue. I am resuming the video. If you  
2 could stop it where the light goes on. Right there.

3 So, what are we looking at right here? There is a laser  
4 and there's something else. There is this, this, and then  
5 this.

6 A. Yes, this is the muzzle of this firearm. You can see here  
7 the light on the right side of the photograph. The picture is  
8 going to be reversed because of the way the phone is being  
9 held. If you are actually standing there looking at Mr. Boone  
10 as he is pointing the firearm, you would see the light, the  
11 battery next to it, and then the green laser, which is directly  
12 on top of it.

13 Q. Could you please show it in Government Exhibit 13?

14 A. Without pointing it any further down, you can see the  
15 light, the battery pack, and there's a small dot on the top  
16 here that has the laser.

17 Q. Okay. I am resuming the video.

18 Okay. Mr. Boone puts the Glock switch down on the table  
19 here. Can you see a Glock switch here?

20 A. You can see two of them, yes.

21 Q. Where?

22 A. On the rear of both firearms, here and here. (Indicating.)

23 Q. So there are two -- two Glock switches?

24 A. Yes. There's a firearm to the left with a switch attached  
25 where the back plate is supposed to be, facing to the left, and

1 the firearm that Mr. Boone placed down you can see clearly on  
2 the right side has a switch attached to it as well. You can  
3 also see in this picture it says made in Austria, Glock Inc.,  
4 Smyrna, Georgia as well, which are the markings as I said  
5 earlier from the manufacturer.

6 Q. Okay. Now I am going to show you the -- Government Exhibit  
7 21-B. Pause the video, please.

8 Is this the battery you were talking about earlier?

9 A. Yes, it is.

10 Q. Okay. And then, is that the light?

11 A. Yes.

12 Q. Okay. And what is this right here? (Indicating.)

13 A. That is the hole for the laser. The laser is not engaged  
14 or on at this moment, but that is where the laser is.

15 Q. Let the record reflect that I paused the video at one  
16 second, and I am now resuming the video.

17 I am now showing you Government Exhibit 22. I am starting  
18 on page ten. Could you please read the start date of this  
19 message?

20 A. Yes. The start date is January 24, 2022, 1/24/2022.

21 Q. What does the message say?

22 A. It is from kutta creep, big smakka creep, to Mr. Boone  
23 saying, "And let me buy a switch."

24 Q. And what is the message that follows on page 11?

25 A. Mr. Boone responds, "Only got two right now."

1 Q. Thank you.

2 MS. DARSCH: No further questions.

3 MR. SCHUMACHER: Judge, may I have some brief recross  
4 on matters brought up on redirect?

5 THE COURT: You may.

6 MR. SCHUMACHER: Thank you.

7 RECROSS EXAMINATION

8 BY MR. SCHUMACHER:

9 Q. Agent, the two videos that the Government just published,  
10 you don't know when those were made, correct?

11 A. No.

12 Q. Can we agree that in neither of those videos are narcotics  
13 present?

14 A. Yes.

15 Q. So, we don't know the date of the videos, and there is no  
16 reason to suspect that narcotics were present, correct?

17 A. Narcotics are not readily apparent that day.

18 Q. I understand, but we have another photograph with a gun and  
19 drugs that was published, correct?

20 A. Right. You asked me if I suspected narcotics were present.  
21 Based off of the other photographs and videos I have seen, I  
22 would suspect that narcotics were present.

23 Q. You have never been in the efficiency, correct?

24 A. No.

25 Q. As far as the background, there is apparently a yellow

1 background, a wall behind Mr. Boone during the course -- we  
2 just lost the video. Do you need to see it again?

3 A. If I could. I don't know what color the wall was, but  
4 there was a wall behind him.

5 Q. Okay. Thank you.

6 Do we agree that looks like a gold or yellow colored wall?

7 A. Yes.

8 Q. It looks like he is on some kind of sofa or something like  
9 that?

10 A. He's sitting on something, or he may be standing. It looks  
11 like the video is up, I can't say how he is positioned.

12 MR. SCHUMACHER: Nothing further, Judge.

13 THE COURT: Anything further from the Government?

14 MS. DARSCH: Nothing further, your Honor.

15 THE COURT: Thank you so much, you may step down.

16 Ladies and gentlemen, we will take a recess now.

17 Thank you for your attention and patience this morning. We  
18 will be in recess for 15 minutes, a little before  
19 11:00 o'clock, with the same instructions not to discuss the  
20 case, not to do any research, not to have any interaction with  
21 anyone associated with the case, and we will see you back in 15  
22 minutes.

23 (Thereupon, the jury leaves the courtroom.)

24 THE COURT: All right. We will be in recess, and we  
25 are going to hand each side a copy of the jury instructions and

1 we will go over them one more time.

2 You have three more witnesses?

3 MRS. CHASE: Ye, your Honor.

4 THE COURT: So we will have the three witnesses and  
5 then lunch, and then closing and instructing?

6 MRS. CHASE: The Government's preference would be to  
7 instruct and then close.

8 THE COURT: Yes. Right. Do you think the three  
9 witnesses will take you through the lunch hour?

10 MRS. CHASE: Two of them are short, Mr. Fischer and  
11 Mr. Wright are very short. Mr. Ciravolo is a little lengthier,  
12 but not much. I do think that very likely we can get all three  
13 in and the Government could rest before the lunch hour.

14 THE COURT: Okay. And then we will go over the  
15 instructions again over the lunch hour and come back and  
16 instruct, closing.

17 Take a peak at the instructions. We will have one  
18 more conference to make sure everything is reviewed. Did you  
19 give them a copy of the verdict forms as well?

20 THE COURTROOM DEPUTY: Yes.

21 THE COURT: All right. See you in a few.

22 (Thereupon, a short recess was taken.)

23 THE COURT: You may be seated. We will wait for the  
24 jurors to come in.

25 (Thereupon, the jury returned to the courtroom.)



THE COURT: All right. Welcome back, everyone, you may be seated.

The Government may call your next witness.

MRS. CHASE: The United States calls Frederick Fischer.

THE COURT: All right.

FREDERICK FISCHER, GOVERNMENT'S WITNESS, SWORN

THE COURTROOM DEPUTY: You may have a seat. Feel free to adjust the microphone. Speak right into the microphone and state your full name for the record and spell your last name for the court reporter.

THE WITNESS: Frederick James Fischer, F-I-S-C-H-E-R,  
ID number 956.

## DIRECT EXAMINATION

BY MRS. CHASE:

Q. Good morning.

A. Good morning.

Q. Where are you employed?

**A. West Palm Beach Police Department.**

Q. What is your title?

A. I'm a crime scene investigator.

Q. How long have you been a crime scene investigator?

A. I am on my 37th year.

Q. Were all of those 37 years with the West Palm Beach Police Department?

Pauline A. Stipes, Official Federal Reporter

1 A. Correct.

2 Q. What are your duties as a crime scene investigator?

3 A. General duties is normally respond to the scene of the  
4 crime, document the scene through photography or video, search  
5 for physical evidence, collect physical evidence, process for  
6 possible DNA evidence on scene, and then the collection,  
7 retention, and submission of evidence to external labs, Palm  
8 Beach County Sheriff's Office or the FBI lab.

9 Q. All right. So the collection of the evidence to external  
10 labs that you just mentioned, is that one of your duties  
11 currently?

12 A. I am currently assigned to transport evidence between the  
13 West Palm Beach Police Department and Palm Beach County  
14 Sheriff's crime lab.

15 Q. Have you been doing that transport since about 2011?

16 A. I misspoke when I was talking to you, actually it was since  
17 2006.

18 Q. You have been transporting evidence between the West Palm  
19 Beach Police Department and Palm Beach County Sheriff's Office  
20 for 17 some-odd years?

21 A. Correct.

22 Q. Now, before we move on, in your 37 years as a crime scene  
23 investigator, I am sure some things have happened on the job,  
24 have they not?

25 A. Correct.

1 Q. In fact, have you been disciplined, I believe just twice in  
2 those 37 years, once for a written reprimand in 2005 for  
3 negligence and another in 2012 for a vehicle accident?

4 A. I'll take your word for that.

5 Q. Given that you are taking my word for it, have they been so  
6 few and far between in your 37 years that you don't even recall  
7 the specifics?

8 A. Correct.

9 Q. Okay. So I would like to return to your duties as  
10 transport between the two agencies.

11 Can you describe for the jury how you go about doing that  
12 transport?

13 A. Normally, whatever evidence is going to be submitted to the  
14 lab has to be preapproved by the lab. If it is a firearm  
15 evidence, it has to be approved by the firearms lab itself,  
16 they have to accept it, and the same thing with DNA. A  
17 submission is sent on a computer portal by the detective or  
18 investigator.

19 Once it has been approved by the lab that it could be  
20 submitted, I am notified, cc'd on an email, at which time I  
21 will pull the evidence from the West Palm Beach evidence  
22 section, prepare the paperwork to submit it to the lab, and  
23 then the lab has set a specific day and time that I could  
24 deliver evidence to the lab. Our day is Thursday, around 8:00  
25 a.m. I would transport the evidence on Thursday to the lab.

1 Q. Okay. So, breaking that down a bit, we are speaking  
2 specifically about transporting items to the Palm Beach County  
3 Sheriff's Office lab?

4 A. Correct.

5 Q. All right. And so, you cannot do anything with the items  
6 until the Palm Beach County Sheriff's Office has approved those  
7 items for intake?

8 A. Correct.

9 Q. Okay. You said that when you have received that approval  
10 you will go retrieve the items from the evidence room?

11 A. Correct.

12 Q. What do you do with them then?

13 A. Once the submission slip is filled out, I have the actual  
14 item in hand when I am filling out the submission slip because  
15 they want the description on the packaging to match the  
16 information on the submission slip. Once I have completed  
17 that, the evidence is stored in the crime scene unit evidence  
18 room until it is transported to the Sheriff's Office.

19 Q. Who has access to the crime scene evidence room?

20 A. Only crime scene investigators.

21 Q. Do you have a specific locker assigned to you in that room?

22 A. Yes, I do.

23 Q. Who has access to that locker?

24 A. If it is locked, I would be the only person to have access  
25 to that particular locker.

1 Q. When you retrieve items from the evidence room to await  
2 transport to the Palm Beach Count Sheriff's Office, do they  
3 stay in your locker in that room?

4 A. Yes.

5 Q. Is that locker locked?

6 A. Most times, yes.

7 Q. Now, you mentioned that there is a specific dropoff time at  
8 8:00 a.m. at the Palm Beach County Sheriff's Office lab, but  
9 what happens if something -- let me back up.

10 You did mention that specific drop off time, and you said  
11 it was Thursdays at 8:00 a.m., correct?

12 A. Correct.

13 Q. What happens during the week if something is approved for  
14 submission before that Thursday 8:00 a.m. dropoff time?

15 A. Between the schedule of the evidence sections, both Palm  
16 Beach County and West Palm Beach Police Department evidence  
17 sections, and the hours that I work, I literally only have  
18 access to the West Palm Beach evidence section on Wednesdays  
19 and Thursdays and by appointment only on Fridays.

20 Q. And as soon as something is approved for submission to the  
21 Palm Beach County Sheriff's Office, do you need to retrieve it  
22 from the West Palm Beach evidence room?

23 A. Correct. I usually do it as soon as possible because I  
24 have other duties besides this. So, I want to get it out of  
25 the way and prepare for the following week's run.

1 Q. So, presumably there could be a delay between the retrieval  
2 from the Palm Beach evidence room and transport on Thursday at  
3 8:00 a.m. to the Palm Beach County Sheriff's Office?

4 MR. SCHUMACHER: Objection, leading, asked and  
5 answered.

6 THE COURT: Rephrase.

7 BY MRS. CHASE:

8 Q. What happens if something is accepted by the Palm Beach  
9 County Sheriff's Office in advance of that Thursday 8:00 a.m.  
10 dropoff time?

11 A. On my scheduling that I am working, I pull it at the first  
12 possible time frame for me, fill out the paperwork, and then  
13 store it in our crime scene locker.

14 Q. Directing your attention to this matter, specifically West  
15 Palm Beach Police Department case number 22-3076, did you have  
16 any responsibilities in this matter?

17 A. I believe I transported evidence to and from the Sheriff's  
18 Office.

19 Q. Were you in any way responsible for the crime scene  
20 investigation on any active scene?

21 A. No.

22 Q. All right. And I have placed before you on the witness  
23 stand what I previously marked for identification as Government  
24 Exhibits 15 and 16, as well as, I believe, Government Exhibit  
25 18.

1 A. Yes.

2 Q. Do you see those before you?

3 A. Yes, I do.

4 Q. I will note that Government Exhibit 18 is already admitted  
5 into evidence.

6 Do you recognize those items?

7 A. Yes, I do.

8 Q. What are they?

9 A. These are the sealed envelopes of swabs that were submitted  
10 to the DNA lab at the Sheriff's Office.

11 Q. Now, were you responsible for initially transporting these  
12 three exhibits to the Palm Beach County Sheriff's Office lab?

13 A. Yes, I was.

14 Q. And later, did you retrieve them from the Palm Beach County  
15 Sheriff's Office lab and place them in the West Palm Beach  
16 Police Department evidence room?

17 A. Yes, I did.

18 Q. All right. Now, do you know on or about what date and time  
19 you retrieved these three items from the West Palm Beach Police  
20 Department evidence room?

21 A. I believe they were signed out of our evidence section on  
22 May 19, 2022, at approximately, I think, 116 hours, which would  
23 be 1:16 in the afternoon.

24 Q. Do you know what day of the week May 19, 2022 was?

25 A. I believe it was a Thursday.

1 Q. Why did you retrieve those items around, let's call it 1:15  
2 on Thursday, May 19th?

3 A. One of the restrictions of the West Palm Beach Police  
4 Department evidence section is that they normally close between  
5 11:00 a.m. at 1:00 p.m. for lunch break. So, at 1:15 they  
6 would have just come back from lunch. I was pulling at that  
7 time, and I am pulling it in the afternoon because I already  
8 made my morning run out to the Sheriff's Office.

9 Q. Given this was a Thursday afternoon, had you missed that  
10 morning's dropoff time for the Palm Beach County Sheriff's  
11 Office?

12 A. Yes, I had.

13 Q. What did you do with these three exhibits?

14 A. They were secured in the evidence room at my office.

15 Q. How long did Government Exhibits 15, 16, and 18 remain so  
16 secured?

17 A. Until I made the run the following Thursday, which I  
18 believe it was the 26th.

19 Q. That is because Thursday morning at 8:00 a.m. is the only  
20 time that Palm Beach Count Sheriff's Office would accept these  
21 items, correct?

22 A. Correct. That is my scheduled time.

23 Q. What did you then do with Government Exhibits 15, 16, and  
24 18 on May 26th?

25 A. I would have placed them into the evidence section at the



1 Palm Beach County Sheriff's Office.

2 Q. When you transport these items, do they remain intact and  
3 sealed in your vehicle?

4 A. Yes, they are.

5 Q. And prior to transporting them, do you check the seals to  
6 make sure that they are intact and sealed.

7 A. Correct. I do that when I fill out the form.

8 MRS. CHASE: Your Honor, at this time I move to admit  
9 Government Exhibits 15 and 16.

10 MR. SCHUMACHER: Without objection, your Honor.

11 THE COURT: 15 and 16 are admitted without objection.  
12 They previously had been marked and now are admitted.

13 (Whereupon Government Exhibits 15, 16 were marked for  
14 evidence.)

15 BY MRS. CHASE:

16 Q. Mr. Fischer, you testified that you later were responsible  
17 for retrieving the items from the Palm Beach County Sheriff's  
18 Office.

19 Did that conclude your involvement in this matter?

20 A. Yes, it does.

21 MRS. CHASE: I pass the witness, your Honor.

22 THE COURT: Okay. Any cross?

23 MR. SCHUMACHER: No, your Honor.

24 THE COURT: Thank you so much, you may step down.

25 THE WITNESS: Thank you, your Honor.

1 THE COURT: Thank you. Government's next witness.

2 MRS. CHASE: The United States calls Damon Wright.

3 DAMON WRIGHT, GOVERNMENT'S WITNESS, SWORN

4 THE COURTROOM DEPUTY: Have a seat, feel free to  
5 adjust the microphone. Speak into it and if you will state  
6 your full name for the record and spell your last name for the  
7 Court Reporter, please.

8 THE WITNESS: My name is Damon Wright, my last name is  
9 spelled W-R-I-G-H-T.

10 DIRECT EXAMINATION

11 BY MRS. CHASE:

12 Q. Where are you employed?

13 A. I am employed at the Department of Justice, Bureau of  
14 Alcohol, Tobacco, Firearms and Explosives.

15 Q. Is that commonly referred to as ATF?

16 A. Yes.

17 Q. What is your title at ATF?

18 A. I'm a firearms and explosives specialist with the  
19 Government support branch.

20 Q. How long have you been a firearms and explosives  
21 specialist?

22 A. Almost three years now.

23 Q. What are your duties as a firearms and explosives  
24 specialist?

25 A. I'm a custodian of the National Firearms Act division, I

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1 maintain the NFRTR, National Firearms Registration and Transfer  
2 Record. We maintain that database which basically houses all  
3 the NFA firearms that are maintained by citizens other than the  
4 U.S. Government.

5 Q. Okay. You just referred to NFA firearms?

6 A. Yes.

7 Q. What does NFA stand for?

8 A. It stands for the National Firearms Act.

9 Q. If could you move that microphone closer to you. Okay, the  
10 National Firearms Act.

11 What is the National Firearms Act?

12 A. The National Firearms Act is an act that was passed back in  
13 1934, as an exercise of Congress' ability to regulate NFA  
14 firearms, which would silencers, short barrel rifles, short  
15 barrel shotguns, machineguns, destructive devices, and a  
16 category called any other weapon. It was an exercise of their  
17 ability to tax and to cut down on the violent acts caused by  
18 those firearms.

19 Q. And you mentioned that machineguns are under the National  
20 Firearms Act?

21 A. That is correct.

22 Q. And you mentioned a database that the Government maintains  
23 of these firearms; is that right?

24 A. That is correct.

25 Q. Can you explain that database to the jury, please?

1 A. The database is a registry of all those individuals or  
2 companies that have registered these weapons. For instance,  
3 individuals that want to take a long rifle and make it a short  
4 barrel rifle, they would submit paperwork to get the permission  
5 or the approval to do that, they send that to our office.

6 Once that is approved, we send that back to them letting  
7 them know, yes, it is now registered in our system and you are  
8 now able to make this weapon.

9 Q. How do machineguns fall into this database?

10 A. Machineguns, those that are legally able to be possessed by  
11 citizens, those would have had to been manufactured before May  
12 19, 1986, as part of the Firearms Protection Act which  
13 restricted machineguns to those that were manufactured before  
14 that date.

15 Any machineguns that were manufactured after that date  
16 cannot go into general commerce. They are only maintained by  
17 Government entities like police departments and Federal  
18 agencies, other than the military.

19 Q. So, to possess a machinegun, you would first have to have  
20 that machinegun -- it would be manufactured before May 19,  
21 1986?

22 A. Yes, and you would have had to have submitted paperwork to  
23 transfer that from the current owner to the new owner. Once  
24 that is approved, then you can take possession of that firearm.

25 Q. And that record would be reflected in the National Firearms

1 Registration and Transfer Record of which you are a custodian?

2 A. That is correct.

3 Q. Does ATF regularly keep the records in the National  
4 Firearms Registration and Transfer Record?

5 A. Yes, we do.

6 Q. How are those records stored?

7 A. They are stored on a database which only a limited amount  
8 of people have access to. So we maintain that in terms of any  
9 changes, additions in terms of new firearms being added, or if  
10 firearms are destroyed, we mark them as destroyed in our  
11 systems.

12 Q. Is that database electronic now?

13 A. Yes, although we still have access to paper records.

14 Q. Government records.

15 You mentioned that only a few people have access to this  
16 electronic database?

17 A. Yes. It is not open to anyone that works for ATF, or  
18 anyone in the public. You have to have a need for that  
19 information, those that work in that department, maybe those in  
20 the field that need to verify the records of a Federal firearms  
21 license holder in terms of what they have in their inventory  
22 would have access to that information and it is restricted.

23 Q. As a custodian, you have access to that?

24 A. That's correct.

25 Q. What electronic security is in place for the NFRTR?

1 A. Well, in order to get access you have to have a VPN, or  
2 virtual private network, or be in the office to access that  
3 information. You have to submit from your supervisor the  
4 ability to even access that particular database. As I said, it  
5 is not open to anyone that works for ATF, only those who need  
6 access to it. So, it would be very difficult for anyone in the  
7 public to have that because you have to have the password and  
8 everything to access it.

9 Q. You mentioned the virtual private network. Does this mean  
10 that ATF maintains security around the actual electronic  
11 database itself?

12 A. That is correct.

13 Q. I imagine there is a lot of personal identifying  
14 information protected -- or rather, stored in this database.  
15 Do these security measures also help protect that personal  
16 identifying information?

17 A. That is correct. Before we send anything out, we have to  
18 verify who it is going to, where it is going. We don't want  
19 any private information going out to those who are not supposed  
20 to have that information, so anyone we look up and see, we are  
21 not able to speak to that -- to anyone in public for fear of  
22 losing our jobs and being prosecuted.

23 Q. Are you specifically trained to update and maintain this  
24 record?

25 A. That is correct.

1 Q. And are there any checks in place to review your work?

2 A. Yes. All the work that I do for a particular -- for this  
3 case or any others, another employee would also go over exactly  
4 what I did to make sure that I did not miss anything and I did  
5 not make any mistakes.

6 Q. All right. So you said that you did conduct a database  
7 check in this matter?

8 A. That is correct.

9 Q. And did you conduct a search for any registrations or  
10 transfers under the name Willie Boone?

11 A. Yes.

12 Q. Were you given a particular date of birth associated with  
13 the name Willie Boone?

14 A. Yes.

15 Q. Was that date of birth September 8, 1999?

16 A. I believe so.

17 Q. And what were the results of the search?

18 A. There were no results, there was no result under Willie  
19 Boone, variations of Willie Boone under that date of birth or  
20 even a Social Security number.

21 Q. Did you also check the database for any registrations or  
22 transfers of Glock Model 17 bearing serial number PHK028?

23 A. That is correct.

24 Q. What were those results?

25 A. There were no results. It was not registered.

1 Q. I am now showing you what I previously marked for  
2 identification as Government Exhibit 29. Do you recognize  
3 this?

4 A. Yes. This is the search that I conducted.

5 Q. So, this is a certificate documenting that search that you  
6 just told the jury about?

7 A. Yes.

8 Q. And I see here there is a seal of the Department of  
9 Justice; is that correct?

10 A. That is correct.

11 Q. And directing your attention to the bottom left of  
12 Government Exhibit 29, paragraph nine, whose signature is that?

13 A. That is mine.

14 Q. I see in paragraph ten there is a second signature?

15 A. Yes, that is my coworker.

16 Q. Finally, in paragraph 11, a third signature?

17 A. That is my supervisor.

18 MRS. CHASE: Your Honor, at this time I move to admit  
19 Government Exhibit 29.

20 MR. SCHUMACHER: Without objection, your Honor.

21 THE COURT: Admitted without objection.

22 (Whereupon Government Exhibit 29 was marked for evidence.)

23 MRS. CHASE: Permission to publish.

24 THE COURT: You may.

25



1 BY MRS. CHASE:

2 Q. All right, Mr. Wright, the jury can now see what we are  
3 talking about here. I am going to scroll up a little bit.

4 Directing your attention to the top left, this is the seal  
5 of the Department of Justice we just discussed, correct?

6 A. Yes.

7 Q. Can you read paragraph one to the jury, please?

8 A. "Section 5841 of the National Firearms Act, Chapter 53,  
9 Title 26 United States Code provides that the Attorney General  
10 of the United States or an authorized delegate shall maintain a  
11 central registry of all firearms not in the possession or under  
12 the control of the United States which come within the purview  
13 of 26 U.S.C., Chapter 53. The central registry is known as the  
14 National Firearms Registration and Transfer Record, and is  
15 maintained at the Bureau of Alcohol, Tobacco, Firearms and  
16 Explosives in Washington, D.C."

17 Q. So this basically documents that the United States has  
18 various firearms that fall within the National Firearms Act and  
19 they should be registered in this database; is that right?

20 A. Yes.

21 Q. Can you continue, please?

22 A. "This is to certify that custody and control of the said  
23 National Firearms Registration and Transfer Record pursuant to  
24 a delegation of authority by the Attorney General of the United  
25 States. I further certify that after a diligent search of the

1 said record, I found no evidence that the firearm or firearms  
2 described below are registered to or have been acquired by  
3 lawful manufacturer, importation, or making by or transfer to  
4 Willie Boone.

5 "I further certify that I have custody and control of the  
6 approved applications to transfer and register firearms within  
7 the purview of Chapter 53, Title 26 U.S.C., and that after a  
8 diligent search of said applications, I found no approved  
9 applications from Willie Boone to transfer and register said  
10 firearms to any persons as required by Sections 5811 and 5812  
11 of Chapter 53, Title 26 U.S.C."

12 Q. And that documents your search under the name Willie Boone;  
13 is that right?

14 A. Yes.

15 Q. I believe you said that you performed such search with a  
16 particular date of birth and even a Social Security number?

17 A. Yes.

18 Q. And finally, moving down to the middle of the page, in this  
19 block here, what does this depict?

20 A. This depicts that it was a machinegun that I searched for,  
21 Glock Model 17 Gen 4, caliber 9, and that the serial number was  
22 PHK028. So I searched under those variations and located  
23 nothing.

24 Q. This was the alternative way that you searched the  
25 database?

1 A. Yes.

2 Q. With no results?

3 A. That is correct.

4 Q. We have discussed that this is your signature in paragraph  
5 9. Before your colleague signed in paragraph 10, what did your  
6 colleague have to do?

7 A. They conducted the exact same search, the same methods.  
8 So, I send this to them, they search the same way that I  
9 searched. There are other ways they could try that as well,  
10 shouldn't be, but they want to make sure there is nothing else  
11 found, and there wasn't.

12 Q. Your colleague had the same results?

13 A. That is correct.

14 Q. Finally, when your supervisor signs off, what did he do?

15 A. He verifies the same thing, he verifies we went through the  
16 steps and conducted the search.

17 MRS. CHASE: May I have a moment, your Honor?

18 THE COURT: Yes.

19 MRS. CHASE: I pass the witness, your Honor.

20 THE COURT: Cross-examination.

21 MR. SCHUMACHER: No, your Honor, thank you.

22 THE COURT: Thank you so much, you may step down.

23 The Government may call your next witness.

24 MRS. CHASE: The United States calls Anthony Ciravolo.

25 THE COURT: Okay.

1 ANTHONY CIRAVOLO, GOVERNMENT'S WITNESS, SWORN

2 THE COURTROOM DEPUTY: Have a seat. Feel free to  
3 adjust that microphone and speak into it, and if you would  
4 state your full name and spell your last name for the Court  
5 Reporter.

6 THE WITNESS: Anthony Ciravolo, C-I-R-A-V-O-L-O.

7 DIRECT EXAMINATION

8 BY MRS. CHASE:

9 Q. Where are you employed?

10 A. The Bureau of Alcohol, Tobacco, Firearms and Explosives.

11 Q. Is that commonly referred to as ATF?

12 A. Yes.

13 Q. What is your title at ATF?

14 A. Firearms enforcement officer.

15 Q. How long have you been a firearms enforcement officer at  
16 ATF?

17 A. Approximately three years.

18 Q. What was your employment prior to becoming a firearms  
19 enforcement officer?

20 A. I was a gunsmith in the firearms industry for approximately  
21 five years.

22 Q. What are your duties as a firearms enforcement officer at  
23 ATF?

24 A. Currently, I examine samples that are submitted by the  
25 firearms industry or the general public and render a formal

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1 classification on those items as far as how they fall under  
2 Federal law.

3 I also examine evidence that is submitted by Federal agents  
4 and local and state law enforcement and issue a technical  
5 report on the classification of those items under Federal law.  
6 I help and assist with and provide training in relation to  
7 firearms technology and operations and design for the firearms  
8 industry, the general public, and Federal law enforcement.

9 I currently have four trainees that I mentor for firearms  
10 technology in the services branch. I serve as the senior  
11 technical review for all of the correspondence from the  
12 firearms technology services branch. I help assist with the  
13 national firearms collection which houses approximately 14,000  
14 firearms, and I also assist with maintaining a publications  
15 library that houses about 2,000 written publications.

16 Q. Now, you mentioned that you were a gunsmith for five  
17 greaser previously. Can you explain what a gunsmith does for  
18 the jury?

19 A. A gunsmith is someone who would have a more intimate  
20 knowledge of ever firearms and their operation and design.  
21 Typically they will pick some type of niche market to work in,  
22 either custom built firearms or customization of a specific  
23 type of firearm, as well as general repairs or general  
24 customizations to any particular type of firearm.

25 Q. And so it's safe to say you are quite familiar with how

1 firearms operate?

2 A. Yes.

3 Q. Is there any certification process at ATF for a firearms  
4 enforcement officer?

5 A. Yes. We have an 18-month training program that is  
6 completed by board certification at the end of it.

7 Q. And you mentioned that in fact you are responsible now for  
8 training at least four others?

9 A. Yes, I have four trainees that are directly under me that I  
10 oversee, but I am also a part of our firearms enforcement  
11 officer development branch where I provide general training to  
12 all of the firearms enforcement officers.

13 Q. Do you hold any certifications from any gun manufacturers?

14 A. Yes, I am a certified armorer for multiple firearms.

15 Q. Would that include Glock?

16 A. Yes.

17 Q. What does being a certified armorer mean?

18 A. Armorer's classes are typically one to two day classes that  
19 cover a very specific make and model of firearm that are  
20 generally provided by the manufacturer. That covers that  
21 specific firearm, the variants of it, how it operates, what and  
22 how to replace parts when they fail.

23 Q. And are you specifically trained in machineguns?

24 A. Yes. I have received extensive training on machineguns and  
25 machinegun conversion devices.

1 Q. You just used the term "machinegun conversion devices."  
2 What are those?

3 A. They are either a part or combination of parts that are  
4 designed and intended for use in converting a weapon into a  
5 machinegun, so it's something you would add to a standard  
6 semiautomatic firearm to turn it into a machinegun.

7 Q. Is there any make of machinegun conversion device that is  
8 the most prolific that you have seen?

9 A. The most prolific currently is something called a TCGTR, or  
10 a Swift Link, or a Yankee Boogle for an AR-15 type firearm and  
11 a device known as a Glock switch or a Glock shift for Glock  
12 type firearms.

13 Q. You are familiar with a machinegun conversion device for a  
14 Glock?

15 A. Yes.

16 Q. How many times have you evaluated a firearm machinegun  
17 conversion device to determine if it operates as a machinegun?

18 A. I don't know the exact number, it would be several hundred,  
19 though.

20 Q. Have you ever testified as an expert in Federal Court?

21 A. I have.

22 Q. Approximately how many times?

23 A. Three times.

24 Q. Each time were you qualified as an expert in the field of  
25 firearms examination?

1 A. Yes.

2 MRS. CHASE: At this time, your Honor, the United  
3 States tenders Mr. Ciravolo as an expert in the field of  
4 firearms examination, identification, and analysis.

5 MR. SCHUMACHER: Without objection, your Honor.

6 THE COURT: Mr. Ciravolo is deemed to be an expert by  
7 the Court in firearm examination, identification, and analysis.

8 MRS. CHASE: Thank you, your Honor.

9 BY MRS. CHASE:

10 Q. Mr. Ciravolo, can you explain to the jury what the Gun  
11 Control Act is?

12 A. The Gun Control Act of 1968 covers the interstate travel in  
13 commerce of conventional types of firearms, and it helps  
14 regulate the firearms industry.

15 Q. What is the National Firearms Act?

16 A. The National Firearms Act of 1934 covers eight specific  
17 categories of firearms that were deemed to be more dangerous,  
18 so to speak, in the era of gangsters and prohibition.

19 Q. And among those various definitions is machinegun included?

20 A. Yes. It is defined in both.

21 Q. What is the definition of a machinegun?

22 A. It's any weapon which is designed to shoot or may be  
23 readily restored to shoot automatically more than one shot  
24 without manually reloading by a single function of the trigger.  
25 It also includes the frame or receiver of any such weapon, any



1 part that is designed and intended solely and exclusively, or a  
2 combination of parts that is designed and intended for use in  
3 converting a weapon into a machinegun, and it also includes any  
4 combination of parts from which a machinegun can be assembled  
5 if those parts are under the control or possession of a person.

6 Q. When you say a single use or function of the trigger, does  
7 this mean that it renders the weapon fully automatic?

8 A. Yes, that is correct. The function of the trigger is to  
9 initiate the firing sequence of a firearm, so once you do that  
10 one time and it fires multiple rounds it is a machinegun.

11 Q. Can you explain to the jury the difference between an  
12 automatic weapon and a semiautomatic weapon?

13 A. In the world of firearms there is a cycle of operations,  
14 the steps a firearm completes once you start by pulling the  
15 trigger. A semiautomatic will complete that cycle and then  
16 stop and require some form of manual action to fire another  
17 round; whereas an automatic, once you pull the trigger to  
18 initiate a firing sequence, you can just hold the trigger and  
19 maintain that status and it will continue to fire based on the  
20 mechanical action of the firearm.

21 Q. Now, you explained the term machinegun conversion device  
22 earlier, and I believe you even said that a Glock switch is  
23 among the most common.

24 Can you explain what a Glock switch is to the jury, please?

25 A. A Glock switch is a -- generally it is three parts that

1 replaces the factory slide cover plate of a Glock pistol, it  
2 goes on the rear of the slide, and it incorporates an extended  
3 leg that is designed to trip the trigger bar when the slide  
4 reciprocates. So, when the slide moves completely forward this  
5 metal bar will trip the trigger bar and allow the weapon to  
6 continue firing.

7 Q. How are Glock switches installed?

8 A. They are installed by locking the slide to the rear of the  
9 gun, you have to depress a plunger to remove the factory slide  
10 cover. That could be done with a small screwdriver, a pen, or  
11 a toothpick, paperclip, whatever. Then, once the factory slide  
12 plate is removed, you replace it with the Glock switch.

13 Q. How long does that process take?

14 A. It can be done in less than 30 seconds.

15 Q. And other than using the paperclip or a screwdriver, are  
16 there any real modifications that are made to the Glock itself?

17 A. It depends. There are so many different variations of  
18 these devices, sometimes you have to cut a clearance cut in the  
19 back of the frame for the leg, depending on the height of the  
20 leg of the device. You have to do that sometimes based on the  
21 design of that specific one, other times it is not needed at  
22 all.

23 Q. Earlier, when you were explaining the National Firearms Act  
24 to the jury you told us that machineguns fall into that act.

25 Are there particular rules pertaining to the ownership of

1 machineguns?

2 A. Yes, there are.

3 Q. Could you explain those to the jury, please?

4 A. After the Gun Control Act there was a law, the Firearms  
5 Owners Protection Act, and it enacted something, 922(o), in the  
6 Gun Control Act, which is the unlawful possession or transfer  
7 of machineguns after May 19, 1986. So, there are machineguns  
8 that are registered on the NFRTR, National Firearms  
9 Registration and Transfer Record, that were made before then  
10 and registered, and those are legally transferable firearms.

11 There is a finite pool of them, only so many of them were  
12 made and registered and can be legally transferred. That  
13 requires additional background screening and forms that have to  
14 be filled with the ATF.

15 The other thing with machineguns is if you are a licensee,  
16 you can hold an 07 FLL, which is a manufacturer, and you have  
17 to pay an additional special occupational tax to be able to  
18 manufacture and transfer these devices.

19 Q. Really the cutoff date of May 19, 1986 is important with  
20 respect to machineguns?

21 A. Correct, unless you are licensee with the proper SOT.

22 Q. What is an SOT?

23 A. Special occupational tax. It's what a licensee has to pay  
24 in order to manufacture and deal in NFA firearms.

25 Q. Directing your attention to this matter, did you examine

1 any evidence here?

2 A. I did.

3 Q. How did you become involved in this case?

4 A. Evidence is submitted to our office for examination by  
5 Federal agents from all over the country. The respective  
6 branch chief then assigns them to the individual FEO, and this  
7 one was just assigned to me.

8 Q. In general, when you are assigned a case, what steps do you  
9 take to evaluate the submission?

10 A. Once we retrieve it from our evidence locker, we will open  
11 up however it is packaged, take pictures externally of it  
12 before we do anything. We will do a physical examination of  
13 the exterior of it. We will look for any markings, any  
14 modifications, anything like that.

15 Then we will generally test fire it right after that, and  
16 if we need to, we can disassemble it further after a test fire,  
17 but we try to test fire them as they are received after that,  
18 we will document all of these things in a written technical  
19 examination.

20 Q. Did you do that in this matter?

21 A. I did.

22 MRS. CHASE: Permission to approach, your Honor.

23 THE COURT: You may.

24 BY MRS. CHASE:

25 Q. I just handed you what is in evidence as Government Exhibit

1 13.

2 Are you familiar with this particular exhibit?

3 A. Yes, I am.

4 Q. And how so?

5 A. This is the evidence that I examined.

6 Q. How do you know that this is the evidence you examined?

7 A. My signature is on the evidence tag.

8 Q. All right. So, with respect to Government Exhibit 13, I  
9 would like to walk back through the process.

10 So, I believe you said that after your physical  
11 examination, one of the first things you do is to test fire it  
12 as assembled; is that correct?

13 A. Yes, it is.

14 Q. And did you do so with Government Exhibit 13?

15 A. I did.

16 Q. Can you explain that process to the jury?

17 A. Our standard procedures for test firing with a device like  
18 this is we will shoot it with just one round first. So we will  
19 load it with one round and shoot it just to make sure that the  
20 weapon is safe. We will examine the spent cartridge casing for  
21 any signs of evidence that the weapon is unsafe to shoot. From  
22 there, we will load two rounds of ammunition in.

23 If there is a selector on it, whether it's a semiauto or  
24 automatic selector, we will start off in the semiautomatic  
25 mode, shoot two rounds, and then we will switch over to the

1 automatic mode, shoot two rounds, repeat that if necessary, and  
2 then it finishes with us shooting three magazines each  
3 containing three rounds of ammunition.

4 MRS. CHASE: And before we move on, may I approach the  
5 witness, your Honor?

6 THE COURT: You may.

7 MRS. CHASE: May I have the ELMO, please, your Honor?

8 THE COURT: Yes.

9 BY MRS. CHASE:

10 Q. I am showing the jury on Government Exhibit 13 what I  
11 believe is the rear of the slide; is that correct?

12 A. Yes, it is.

13 Q. And can you circle on your screen the selector switch to  
14 which you were just referring?

15 A. Yes. It is this round button right there.

16 Q. And so one can move it back and forth simply by pushing it  
17 from one side to the next?

18 A. Yes, that is correct.

19 Q. And you said that in following protocol, you first test  
20 fired this in the semiautomatic position, correct?

21 A. Yes.

22 Q. With how many rounds?

23 A. Start off with two rounds.

24 Q. What happened when you test fired Government Exhibit 13  
25 with two rounds in the semiautomatic position?

1 A. It fired automatically both rounds.

2 Q. When you say it fired automatically, what does that mean?

3 A. When I pulled the trigger one time it expelled both  
4 projectiles.

5 Q. What did you do after those two rounds in the semiautomatic  
6 position?

7 A. I moved the selector switch over to the automatic position  
8 and loaded another two-round magazine to test it in that  
9 position.

10 Q. What happened then?

11 A. It shot automatically again.

12 Q. Did you proceed with more rounds of ammunition?

13 A. I did. I did our standard three magazines of three rounds  
14 each, and each of those times it fired automatically.

15 Q. Now, which way is automatic, and which way is  
16 semiautomatic?

17 A. When the switch is pushed to the left side of the gun in  
18 its current position, that is the semiautomatic mode; when it  
19 is pushed to the right, that is the automatic.

20 Q. Nevertheless, when you test fired Government Exhibit 13, it  
21 didn't matter which position that was in?

22 A. That's correct.

23 Q. From that course of test firing, did you draw any  
24 conclusions with respect to Government Exhibit 13?

25 A. I did.

1 Q. What were those conclusions?

2 A. That it is a machinegun as defined.

3 Q. Would that include just this part right here as well?

4 A. Yes. So, the weapon as we see it is a weapon which shoots  
5 automatically more than one shot, therefore it is a machinegun.  
6 The definition also includes a combination of parts that are  
7 designed and intended for use in converting a weapon, therefore  
8 the device in and of itself is actually a machinegun as well.

9 Q. Does Glock manufacture these pieces?

10 A. No, they do not.

11 Q. In your training and experience, where are these sorts of  
12 devices manufactured?

13 A. Most often we see them coming in from either China or  
14 Russia, but they are imported most often. They are also made  
15 domestically, though. People 3-D print them and use all sorts  
16 of different methods to try to manufacture them here  
17 domestically.

18 Q. Does the Glock switch predate the manufacture, that is  
19 predate May 19, 1986?

20 A. I am sorry?

21 Q. Does the manufacture of this device predate the May 19,  
22 1986?

23 A. No, it doesn't.

24 Q. Does Glock even make a machinegun?

25 A. They do.



1 Q. Can you explain that to the jury?

2 A. The Glock machinegun is the Glock Model 18, it operates  
3 slightly differently. It doesn't have a mechanism on the rear  
4 of the slide; instead it has a selector switch on the left side  
5 of the slide that allows you to choose semiautomatic or  
6 automatic.

7 The Model 18 parts are incompatible with any of the other  
8 standard semiautomatic pistols. All Glock pistols generally  
9 look the same, but all the internal mechanisms cannot be placed  
10 in a standard semiautomatic Glock.

11 Q. Knowing that Glock doesn't manufacture this, by virtue of  
12 it being here on Government Exhibit 13, what does that indicate  
13 to you?

14 A. That tells me that the host firearm itself was originally  
15 manufactured as a semiautomatic pistol and the conversion  
16 device was added at a later point.

17 Q. So, someone had to physically install this device?

18 A. Yes.

19 Q. And I believe you said that could be done in 30 seconds?

20 A. Yes.

21 Q. Based on your training and experience, without this device  
22 you showed us as installed on Government Exhibit 13, how would  
23 this Glock model operate?

24 A. It would be a standard semiautomatic firearm.

25 MRS. CHASE: May I have a moment, your Honor?

1 THE COURT: Yes, you may.

2 MRS. CHASE: I pass the witness, your Honor.

3 THE COURT: Cross-examination.

4 MR. SCHUMACHER: No questions, your Honor, thank you.

5 THE COURT: Okay, thank you so much, you may step  
6 down.

7 Anything further from the Government?

8 MS. DARSCH: Your Honor, at this time the Government  
9 rests.

10 THE COURT: Okay, thank you very much.

11 All right. Ladies and gentlemen, the Government has  
12 presented all of its evidence at this point. We are going to  
13 take our lunch break a little bit earlier, and be ready for the  
14 next phase of the trial when you get back.

15 It is ten minutes to 12:00. If we could have you back  
16 ten minutes to 1:00 with an hour lunch break, with the same  
17 very important instructions not to discuss the case with  
18 anyone, not to conduct any research about anything that has  
19 gone on in the case, not to have any interaction with anyone  
20 associated with the case.

21 Have a nice lunch, and we will see you back at ten  
22 minutes to 1:00. Thank you so much.

23 (Thereupon, the jury leaves the courtroom.)

24 THE COURT: Okay. I wanted to go over with Mr.

25 Boone -- I know we did this, Mr. Boone, the other day, but I am

1 just going to check in with you again about whether you want to  
2 testify or not.

3 So, Mr. Boone, do you understand you have the right to  
4 testify?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: And do you understand that you have the  
7 right not to testify?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And do you understand that this right  
10 arises under the United States Constitution?

11 THE DEFENDANT: Yes.

12 THE COURT: I am sorry?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. Do you understand that it is  
15 ultimately your decision whether you choose to testify or not  
16 in this case?

17 THE DEFENDANT: Yes.

18 THE COURT: Have you had the opportunity to discuss  
19 this issue with your attorney?

20 THE DEFENDANT: Yes, I have.

21 THE COURT: I don't want to get into anything you have  
22 discussed with your attorney, but I want to make sure that you  
23 personally have made the decision whether to testify or not in  
24 this case. Do you want to testify in this case?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: What is that?

2 THE DEFENDANT: No.

3 THE COURT: Is that your decision not to testify in  
4 this case?

5 THE DEFENDANT: Yes.

6 THE COURT: Have you made this decision knowingly and  
7 voluntarily?

8 THE DEFENDANT: Yes.

9 THE COURT: Thank you, Mr. Boone.

10 Is there any evidence that the Defense intends to put  
11 on?

12 MR. SCHUMACHER: No, your Honor.

13 THE COURT: Will the Defense rest in front of the  
14 jury?

15 MR. SCHUMACHER: Defense will rest in front of the  
16 jury, Judge.

17 THE COURT: I am going over logistics.

18 Melanie is going to put the exhibit list out on the  
19 table there. When we finish what we are doing now, maybe  
20 before you leave for lunch, if you could go through it and make  
21 sure it comports with your exhibit list, and then I will take  
22 it back. Then make sure all of the exhibits that you have on  
23 the computer match the exhibits that I have noted that you  
24 agree with are admitted into evidence or on the computer, and  
25 state that on the record so we have a final accounting all of

1 the exhibits are compiled and will be brought back to the jury,  
2 those that have been admitted and the parties agree to, which I  
3 understand will be on a computer.

4 We want to make sure we have the redacted indictment.

5 THE COURTROOM DEPUTY: I have that.

6 THE COURT: And I want to go through the jury  
7 instructions with you again.

8 Was there any other matter you wanted to take up  
9 before we go over the jury instructions?

10 MR. SCHUMACHER: Judge, at this time Defense would  
11 move, pursuant to Federal Rule of Criminal Procedure 29, for a  
12 judgment of acquittal as it relates to Counts 1 through 5 of  
13 the third superseding indictment.

14 Taking the evidence in the light most favorable -- in  
15 favor of the Government, the Defense asserts that there is a  
16 lack of prima facie case as to each count, and I would like to  
17 specifically address a couple of more specifics than that,  
18 Judge.

19 As relates to Count 2 charging the substantive offense  
20 of possessing with intent to distribute those articulated  
21 controlled substances, the facts are replete with an absence of  
22 Mr. Boone having been observed inside the residence in this  
23 particular case. He was never seen by law enforcement that day  
24 inside the residence where all of the items that are now  
25 present in evidence, specifically those controlled substances,

1 are found.

2 He is actually located outside the residence, and  
3 appears to be walking away from the residence with another  
4 individual who is seen getting on a bike, that is Mr. Roderick  
5 Williams, and leaving.

6 I don't think there is any specific testimony as far  
7 as distance away from that particular building, but it looks at  
8 lights on paper to be a considerable distance. I am guessing  
9 somewhere in the neighborhood of 30 to 40 feet away.

10 In terms of possession of those controlled substances,  
11 Judge, obviously there is no actual possession. I don't  
12 believe that there is any constructive possession. There is no  
13 demonstration by the Government that he intended or there was  
14 any attempt on his part to go back and take control of  
15 something that had been left. In fact, there is no notation  
16 that he was even seen leaving or coming into the property.

17 There is surveillance apparently ongoing with  
18 Detective Chafes or his replacement while he is then going over  
19 with SWAT the take-down plan during that day.

20 Further, Judge, there is an absence in the record of  
21 any evidence that suggests that Mr. Boone ever conducted a  
22 hand-to-hand transaction or was actually in possession of any  
23 of those controlled substances.

24 As relates to Count 3, the possession of a firearm in  
25 furtherance of a drug trafficking offense, 922(c), the same

1 thing is applicable, Judge. We have absolutely no evidence to  
2 show that he was ever in the residence that day, ever possessed  
3 those weapons on that day, or was responsible for placing them  
4 in the position that they were ultimately found.

5 There was communications, arguably, that have occurred  
6 as far as tools being put in the oven. That was, again not on  
7 that very day, your Honor, and we have videos that show that he  
8 was possibly possessing the very same gun with the same  
9 distinguishing marks. The video, again, does not -- there has  
10 been no assertion or establishment of when that was dated.  
11 There is certainly no suggestion that either of the videos  
12 occurred, or any of the other photos occurred on the day when  
13 he is accused of possessing those narcotics and/or possessing  
14 that firearm in furtherance of a drug trafficking offense.

15 So, as it relates to Counts 3 and 4, I would suggest  
16 there is not a prima facie case.

17 As it relates to Count 5, there has been testimony,  
18 your Honor, from Special Agent Finnamore who indicates that, by  
19 all stretches of the imagination, the observation of this  
20 particular Glock is not very dis distinguishable as an  
21 automatic weapon. In fact, there is a well trained forensics  
22 officer from Palm Beach Sheriff's Office who didn't even know  
23 that it was an automatic weapon, and she was not tipped off by  
24 anyone else, any other of several law enforcement officers that  
25 were around to say, hey, this is an automatic weapon.

1           Although, pursuant to the instructions, the Government  
2           does not have to prove beyond a reasonable doubt that Mr.  
3           Boone knew about the specific characteristics -- I am sorry, I  
4           misspoke, Judge.

5           Pursuant to the law, the Government does not have to  
6           prove the Defendant knew of the described firearm being an  
7           illegally registered firearm, but what they do have to prove  
8           beyond a reasonable doubt is that he knew about the specific  
9           characteristics or features of the firearm that made it subject  
10          to registration, namely that the firearm was designed to shoot  
11          or could shoot by a single trigger pull multiple rounds of  
12          ammunition.

13          There has been no testimony that Mr. Boone ever shot  
14          this gun, that he had ever taken it to a range, had ever fired  
15          it, or knew of the existence of this particular switch on the  
16          back of the Glock.

17          For all of those reasons, Judge, we believe there is  
18          ample bases for this Court to direct a verdict in his favor.

19          THE COURT: Thank you. Response from the Government.

20          MRS. CHASE: Thank you, your Honor. The United States  
21          submits that, especially drawing all inferences in its favor  
22          and in the light most favorable to the Government, the United  
23          States has proven each element of each of the five counts of  
24          the third superseding indictment to a sufficient standard to be  
25          submitted to the jury, if not indeed beyond a reasonable doubt.



1 I would like to respond directly to those arguments  
2 made by the Defendant, and first -- I will go in reverse order.

3 With respect to the Defendant's knowledge of the  
4 features of the firearm that would convert the Glock to a  
5 machinegun, the United States submitted into evidence  
6 Government Exhibit 21-C, which explicitly shows the Defendant  
7 setting two firearms down next to one another, both of which  
8 had the Glock machinegun conversion device, as testified by  
9 Special Agent Finnamore.

10 Within a short time frame of having made that video,  
11 which Detective Campbell also testified was sent through  
12 Instagram, Mr. Boone's cell phone received a message that  
13 somebody wanted to buy a switch, and he said "I only have two."

14 So, we submit that we have actually shown that the  
15 Defendant knew of the particular switch on the back of  
16 Government Exhibit 13.

17 With respect to the Defendant's arguments regarding  
18 possession, we submit we have actually met the standard of  
19 constructive possession. I think the common example used to  
20 explain this to the jury is that the items in my chest of  
21 drawers at home still belong to me and are still in my  
22 possession even though I do not physically have them here with  
23 me here today. We would submit that same standard applies to  
24 all of the items within the stash house found at 621 52nd  
25 Street.

1           The text messages establish that Mr. Boone is familiar  
2 with the area. He was indeed on the premises that day, and I  
3 believe that there is an argument that he only walked outside  
4 by virtue of the police breaking through the fence and  
5 executing the search warrant, and we can also further show his  
6 continued constructive possession by the fact that he left two  
7 of his cell phones on the recliner, showing that he still  
8 maintained custody and control of everything within that stash  
9 house.

10           His intent to distribute is well established  
11 throughout the text messages, which we also establish show the  
12 conspiracy to possess with intent to distribute and actually  
13 distribute the controlled substances.

14           I believe those were the direct points raised by  
15 counsel for the Defendant, but again, your Honor, we would  
16 submit that the testimony of the execution of the search  
17 warrant on March 3, 2022, in which actual controlled substances  
18 were found, in which two firearms were found, one of which  
19 included a machinegun conversion device -- following the  
20 evidence of that actual search, your Honor, coupled with the  
21 cell phone evidence demonstrating Mr. Boone's knowledge and  
22 intent to distribute those guns -- those drugs rather, as well  
23 as his knowledge of the Glock switch itself, finally, his  
24 status as a felon, and the lack of the registration in the  
25 National Firearms Registration and Transfer Record, taking all

1 this together, your Honor, we submit that we have indeed proved  
2 each element of each of the five counts and the Defendant's  
3 motion should be denied.

4 THE COURT: Anything further from the Defense?

5 MR. SCHUMACHER: No, your Honor.

6 THE COURT: Okay. All right. The Motion for Judgment  
7 of Acquittal made by the Defense, under the case law, the only  
8 proper basis for the motion is that the evidence is  
9 insufficient to sustain a conviction, and that is Rule 29(a) of  
10 the Federal Rules of Criminal Procedure. United States -- one  
11 such case -- many cases stand for it, but one is United States  
12 versus Mi, M-I, Sun, S-U-N, Cho, C-H-O, 713 F.3d 716, Second  
13 Circuit, a 2013 case. If a jury could find beyond a reasonable  
14 doubt that the essential elements of the crime were proved a  
15 motion for acquittal may not be granted in the interests of  
16 justice.

17 United States versus DeRosa, 761 F.3d 144, First  
18 Circuit, 2014, even, for example, where the judge does not  
19 believe the prosecution's witness, which is not the case here,  
20 but that is an example. That is United States versus  
21 Truman 688 F.3d 129, Second Circuit, 2012.

22 The test for reviewing the sufficiency of the evidence  
23 is whether any rational trier of fact could fairly find the  
24 Defendant guilty beyond a reasonable doubt viewing the evidence  
25 in the light most favorable to the Government, and for that

1 proposition, one such case is Coleman versus Johnson, 132  
2 Supreme Court 2060, 2012.

3 The test is not whether the jury's verdict was  
4 correct, but whether the decision was rational, United States  
5 versus Martinez, 921 F.3d 452, Fifth Circuit, 2019. The  
6 Government's evidence need not exclude every reasonable  
7 hypothesis of innocence, and if the evidence rationally  
8 supports two conflicting hypotheses, the conviction, for  
9 example, would not be reversed on appeal. And that is, for  
10 example, United States versus Acevedo, A-C-E-V-E-D-O, 882 F.3d  
11 251, a First Circuit, 2018.

12 The Defense has made a timely motion, that is right at  
13 the close of the Government's case, and the Defense can make it  
14 again at the close of all of the evidence, and given that the  
15 Defense is not putting on any evidence, is the Defense seeking  
16 to raise a motion?

17 MR. SCHUMACHER: Yes, your Honor, I would reraise --

18 THE COURT: Do you want to rest now and then rest  
19 again in front of the jury so that you can raise that motion?

20 MR. SCHUMACHER: Yes, Judge. At this time the Defense  
21 rests, and, Judge, we would renew our motion for Rule 29 and  
22 assume by reference all those allegations and arguments  
23 previously espoused by myself.

24 THE COURT: Okay. All right. And the Defense having  
25 raised it at the close of the Government's case and now

1 renewing it at the close of all the evidence has timely raised  
2 the motion.

3 The Court finds that for all of the reasons that have  
4 been set forth through the evidence over the past two and a  
5 half days and the summation of the response by the Government,  
6 including, but not limited to, its argument that it has  
7 presented evidence of the elements of each of the counts to  
8 establish guilt beyond a reasonable doubt, highlighting some of  
9 the points that were in response to the Defense's argument with  
10 respect to Mr. Boone's knowledge of the features of the Glock  
11 machinegun and Glock switch, including, but not limited to,  
12 Exhibit 21-C, its evidence with respect to possession relying  
13 upon constructive possession, pointing to such evidence as the  
14 text messages showing Mr. Boone's familiarity with the area,  
15 his cell phones remaining on the recliners, and focusing as  
16 well on the intent to distribute, again highlighting the  
17 evidence that came through in the text message exchange that  
18 was discussed extensively as part of the evidence presented by  
19 the Government.

20 So, for these reasons, and based on the standard the  
21 Court has set forth, and the Court's own assessment of the  
22 presentation of the evidence by the Government, the Court does  
23 deny the motion.

24 Turning now to the jury instructions, I am going to  
25 ask you to take a moment to look at them.

1 I will tell you that they are as you reviewed them.  
2 We did remove the instruction that related to if Mr. Boone were  
3 to testify. The only remaining instruction on that point is  
4 impeachment of witnesses because of inconsistent statements,  
5 the other instruction that was in the original packet that  
6 spoke to whether Mr. Boone would testify and had any felony  
7 convictions, that has been removed.

8 We did make sure that the instruction on the firearms,  
9 which is the instruction that relates to possession of a  
10 firearm in furtherance of a violent crime or drug trafficking  
11 crime, that is just with respect to a firearm and not  
12 ammunition -- maybe that was in possession of a firearm by a  
13 convicted felon, but because ammunition was not an issue, we  
14 took -- we kept that out of what would otherwise be the  
15 standard.

16 That would have been in the possession of a firearm by  
17 a convicted felon, and in that instruction as well we removed  
18 the language that the Government had proposed with respect to  
19 the three separate occasions after the discussion that we had  
20 yesterday and again this morning.

21 I want to make sure you have had a chance -- and then  
22 we have the verdict form and -- then we have the verdict form  
23 which, over the Defense's objection, still has the second part  
24 of Count 4, having the jury make a finding as to whether there  
25 were at least three previous convictions.

1           So, has the Government had an opportunity to review  
2           the jury instructions and the verdict form?

3           MRS. CHASE: Yes, your Honor. Our initial question is  
4           whether the Court removes the headings.

5           THE COURT: I don't remove the headings. I remove the  
6           page numbers and the source, but I don't typically remove the  
7           headings.

8           MRS. CHASE: Then we have two corrections to the  
9           headings, your Honor, the first being the controlled substances  
10          conspiracy instruction.

11          THE COURT: Let me get to that. Just a minute. Okay.

12          MRS. CHASE: We would recommend deleting everything  
13          following "and/or" given that the statutory allegation here is  
14          Title 21 United States Code, Section 846.

15          THE COURT: Take out "and/or Title 21 U.S.C. Section  
16          963."

17          MRS. CHASE: That is correct, your Honor.

18          THE COURT: Does the Defense agree?

19          MR. SCHUMACHER: Yes, your Honor.

20          THE COURT: Okay. We will make a new page and give it  
21          to you and change it in the packets we have made. Anything  
22          else?

23          MRS. CHASE: Yes, your Honor. With respect to the  
24          instruction for Count 3, possessing a firearm in furtherance of  
25          a drug trafficking crime, we would request removing the words

1 "violent crime or" so that it would just read "possessing a  
2 firearm in furtherance of a drug trafficking crime."

3 MR. SCHUMACHER: We don't oppose that, Judge.

4 THE COURT: We will remove that as well and give you  
5 new pages.

6 Anything else from the Government?

7 MRS. CHASE: No, your Honor, thank you.

8 THE COURT: From the Defense?

9 MR. SCHUMACHER: No, your Honor, other than the  
10 verdict form. Again I will raise my objection as to Count 4,  
11 the special interrogatory that follows, I think it's paragraph  
12 5, it is numbered in there.

13 THE COURT: Number 4.

14 MR. SCHUMACHER: It's number 4 but --

15 THE COURT: Yes, it follows number 5, where it says if  
16 you found the Defendant guilty as to Count 4, please answer the  
17 following question.

18 MR. SCHUMACHER: Yes.

19 THE COURT: That objection is overruled and that will  
20 remain on. So, have all objections been made as a matter of  
21 record at this point from the Government?

22 MRS. CHASE: Yes, your Honor.

23 THE COURT: From the Defense?

24 MR. SCHUMACHER: Yes, Judge.

25 THE COURT: Okay. For the indictment, do the parties



1 want us to leave off pages five and six so the jurors are not  
2 confused by the blank page five?

3 MR. SCHUMACHER: I haven't seen it, Judge.

4 THE COURT: We can hand that to you now. So, what is  
5 the position of the parties?

6 MRS. CHASE: We both recommend sending it as is, your  
7 Honor, with the blank page included, just so the signature page  
8 remains intact and it doesn't draw attention to a missing page.

9 THE COURT: Okay. How long does the Government want  
10 for its closing and how do you want to divide your time?

11 MRS. CHASE: Your Honor, I will preface this by saying  
12 this is excessive, and in an abundance of caution, we are going  
13 to request an hour, 30/30.

14 THE COURT: How much notice before the 30?

15 MRS. CHASE: I am giving the first close, I only need  
16 five minutes. Ms. Darsch also requests a five-minute warning,  
17 your Honor. We do not intend to approach that.

18 THE COURT: Defense, you want the hour?

19 MR. SCHUMACHER: Sure.

20 THE COURT: How much notice?

21 MR. SCHUMACHER: Five minutes.

22 THE COURT: Can you take a look at the exhibit list  
23 that I circulated. Just take a moment to go over it together  
24 and say on the record that you agree that everything I have  
25 marked is correct with respect to what you have recorded as

1 having been admitted. And then, I am assuming you looked at  
2 the computer together and you are in agreement all of the  
3 exhibits are on the computer.

4 MRS. CHASE: We have not yet shown the exhibit  
5 computer to counsel for the Defendant, but we will do so.

6 THE COURT: Okay.

7 MRS. CHASE: Your Honor, Government Exhibit 31 was  
8 admitted yesterday.

9 THE COURT: Okay. You have my list, so is it not  
10 showing?

11 MRS. CHASE: No.

12 THE COURT: Let's see. Who was it with?

13 MRS. CHASE: Government Exhibit 31 was admitted in  
14 between Ms. Eckroth and Officer Beesley's testimony.

15 MR. SCHUMACHER: It was a stipulation as to the  
16 narcotics, Judge.

17 THE COURT: Okay. All right. If you both agree --

18 MR. SCHUMACHER: It was read before the jury.

19 THE COURT: Okay. Government Exhibit 31.

20 Yes, I do have Government Exhibit 31 in my notes. Do  
21 I not have it on that?

22 MRS. CHASE: No.

23 THE COURT: I have it in my notes, yes.

24 MRS. CHASE: Everything else is accurate, your Honor.

25 THE COURT: I will make that note to 31. It was

1 admitted right after 26. I'm not sure why it is not there.

2 MR. SCHUMACHER: No opposition, Judge, we agree.

3 THE COURT: We said yesterday was the day that 31 came  
4 in? That was the 31st?

5 MRS. CHASE: Yes, your Honor.

6 (Whereupon Government Exhibit 31 was marked for evidence.)

7 THE COURT: All right. So I think if you write  
8 down -- we don't have to write down anything. Well, we need  
9 you to spell out phonetically the names of the drugs so when  
10 Melanie reads the verdict form she has an easy way to read  
11 that.

12 It is 12:22. I had the jury come back at ten to 1:00,  
13 but we have been spending time here. Do you want until one  
14 o'clock?

15 MR. SCHUMACHER: Yes. I think that is plenty of time.

16 THE COURT: We'll see you back at 1:00 then.

17 (Thereupon, a luncheon recess was taken.)

18 THE COURT: Okay. Do you want to bring our jury in.

19 (Thereupon, the jury returned to the courtroom.)

20 THE COURT: Okay, you may be seated, welcome back.

21 Turning now to the Defense.

22 MR. SCHUMACHER: Defense rests, your Honor.

23 THE COURT: Okay. So, ladies and gentlemen, both the  
24 Government and the Defense have rested at this point, which  
25 means they have presented anything and everything that they

1 were intending to present. So, at this point we are going to  
2 circulate a copy of the jury instructions and the verdict form  
3 to you, and I am going to read it to you and you can follow  
4 along with me.

5 Did we get the phonetic of those because I need to  
6 read it. Okay. All righty.

7 Members of the jury, it is my duty to instruct you on  
8 the rules of law that you must use in deciding this case.  
9 After I have completed these instructions, you will go to the  
10 jury room and begin your discussions, what we call your  
11 deliberations. You must decide whether the Government has  
12 proved the specific facts necessary to find the Defendant  
13 guilty beyond a reasonable doubt.

14 The duty to follow instructions and the presumption of  
15 innocence.

16 Your decision must be based only on the evidence  
17 presented here. You must not be influenced in any way by  
18 either sympathy for or prejudice against the Defendant or the  
19 Government. You must follow the law as I explain it even if  
20 you do not agree with the law, and you must follow all of my  
21 instructions as a whole. You must not single out or disregard  
22 any of the Court's instructions on the law.

23 The indictment or formal charge against the Defendant  
24 isn't evidence of guilt. The law presumes every defendant is  
25 innocent. The Defendant does not have to prove his innocence

1 or produce any evidence at all. The Government must prove  
2 guilt beyond a reasonable doubt. If it fails to do so, you  
3 must find the Defendant not guilty.

4 Definition of reasonable doubt.

5 The Government's burden of proof is heavy, but it does  
6 not have to prove the Defendant's guilt beyond all possible  
7 doubt. The Government's proof only has to exclude any  
8 reasonable doubt concerning the Defendant's guilt.

9 A reasonable doubt is a real doubt based on your  
10 reason and common sense after you have carefully and  
11 impartially considered all of the evidence in the case. Proof  
12 beyond a reasonable doubt is proof so convincing that you would  
13 be willing to rely and act on it without hesitation in the most  
14 important of your own affairs.

15 If you are convinced that the Defendant has been  
16 proved guilty beyond a reasonable doubt, say so. If you are  
17 not convinced, say so.

18 Consideration of direct and circumstantial evidence,  
19 argument of counsel, comments by the Court.

20 As I said before, you must consider only the evidence  
21 that I have admitted in the case. Evidence includes the  
22 testimony of witnesses and the exhibits admitted, but anything  
23 the lawyers say is not evidence and isn't binding on you.

24 You shouldn't assume from anything I have said that I  
25 have any opinions about any factual issue in this case. Except

1 for my instructions to you on the law, you should disregard  
2 anything I may have said during the trial in arriving at your  
3 own decision about the facts. Your own recollection and  
4 interpretation of the evidence is what matters. In considering  
5 the evidence you may use reasoning and common sense to make  
6 deductions and reach conclusions.

7           You shouldn't be concerned about whether the evidence  
8 is direct or circumstantial. Direct evidence is the testimony  
9 of a person who asserts that he or she has actual knowledge of  
10 a fact, such as an eye-witness. Circumstantial evidence  
11 is proof of a chain of facts and circumstances that tend to  
12 prove or disprove a fact. There is no legal difference in the  
13 weight you may give to either direct or circumstantial  
14 evidence.

15           Credibility of witnesses.

16           When I say you must consider all of the evidence, I  
17 don't mean that you must accept all of the evidence as true or  
18 accurate. You should decide whether you believe what each  
19 witness had to say and how important the testimony was. In  
20 making that decision, you may believe or disbelieve any witness  
21 in whole or in part. The number of witnesses testifying  
22 concerning a particular point does not necessarily matter.

23           To decide whether you believe any witness I suggest  
24 that you ask yourself a few questions:

25           Did the witness impress you as one who was telling the

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1 truth?

2 Did the witness have any particular reason not to tell  
3 the truth?

4 Did the witness have a personal interest in the  
5 outcome of the case?

6 Did the witness seem to have a good memory?

7 Did the witness have the opportunity and ability to  
8 accurately observe the things he or she testified about?

9 Did the witness appear to understand the questions  
10 clearly and answer them directly?

11 Did the witness' testimony differ from other testimony  
12 or other evidence?

13 Impeachment of witnesses because of inconsistent  
14 statements.

15 You should also ask yourself whether there was  
16 evidence that a witness testified falsely about an important  
17 fact, and ask whether there was evidence that at some other  
18 time a witness said or did something, or didn't say or do  
19 something, that was different from the testimony the witness  
20 gave during the trial. But keep in mind that a simple mistake  
21 doesn't mean a witness wasn't telling the truth as he or she  
22 remembers it. People naturally tend to forget some things or  
23 remember them inaccurately.

24 So, if a witness misstated something, you must decide  
25 whether it was because of an innocent lapse in memory or an

1 intentional deception. The significance of your decision may  
2 depend on whether the misstatement is about an important fact  
3 or about an unimportant detail.

4 Expert witness.

5 When scientific, technical, or other specialized  
6 knowledge might be helpful, a person who has special knowledge  
7 or -- special training or experience in that field is allowed  
8 to state an opinion about the matter, but that doesn't mean you  
9 must accept the witness' opinion. As with any other witnesses'  
10 testimony, you must decide for yourself whether to rely upon  
11 the opinion.

12 Introduction to offense instructions.

13 The indictment charges five separate crimes called  
14 counts against the Defendant. Each count has a number. You  
15 will be given a copy of the indictment to refer to during your  
16 deliberations.

17 Count 1 charges the Defendant knowingly and willfully  
18 conspired to possess with intent to distribute substances,  
19 which in this case are alleged to be a mixture and substance  
20 containing a detectable amount of N-pyrrolidinoetonitazene, a  
21 mixture and substance containing a detectable amount of  
22 methylenedioxymethamphetamine, a mixture and substance  
23 containing a detectable amount of butylone, and a mixture and  
24 substance containing a detectable amount of cocaine.

25 Count 2 charges that the Defendant committed what is



1 called a substantive offense, specifically, that the Defendant  
2 possessed with intent to distribute a mixture and substance  
3 containing a detectable amount of N-pyrrolidinoetonitazene, a  
4 mixture and substance containing a detectable amount of  
5 butylone, and a mixture and substance containing a detectable  
6 amount of cocaine.

7 Count 3 charges that the Defendant knowingly possessed  
8 a firearm in furtherance of a drug trafficking crime as set  
9 forth in Count 1 or 2. The indictment further alleges that the  
10 firearm was a machinegun, which is commonly referred to as a  
11 Glock switch.

12 Count 4 charges that the Defendant knowingly possessed  
13 a firearm in and affecting interstate and foreign commerce,  
14 knowing that he had previously been convicted of a crime  
15 punishable by imprisonment for a term exceeding one year. The  
16 indictment further alleges that the firearm was one Glock Model  
17 17 9-millimeter semiautomatic pistol, and one Springfield  
18 Armory, Inc. Model XD-S 9-millimeter semiautomatic pistol.

19 Count 5 charges that the Defendant knowingly possessed  
20 a machinegun which is commonly referred to as a Glock switch  
21 not registered to him in the National Firearms Registration and  
22 Transfer Record.

23 Conjunctively charged counts.

24 When a statute specifies multiple alternative ways in  
25 which an offense may be committed, the indictment may allege

1 the multiple ways in the conjunctive, that is by using the word  
2 "and." If only one of the alternatives is proved beyond a  
3 reasonable doubt, that is sufficient for conviction so long as  
4 you agree unanimously as to that alternative.

5 On or about, knowingly, willfully, generally.

6 You will see that the indictment charges that a crime  
7 was committed on or about a certain date. The Government  
8 doesn't have to prove that the crime occurred on an exact date.  
9 The Government only has to prove beyond a reasonable doubt that  
10 the crime was committed on a date reasonably close to the date  
11 alleged.

12 The word "knowingly" means that an act was done  
13 voluntarily and intentionally and not because of a mistake or  
14 by accident. The word "willfully" means that the act  
15 was committed voluntarily and purposely with the intent to do  
16 something the law forbids, that is with the bad purpose to  
17 disobey or disregard the law.

18 While a person must have acted with the intent to do  
19 something the law forbids before you can find that the person  
20 acted willfully, the person need not be aware of the specific  
21 rule or law that his conduct may be violating.

22 Controlled substances, conspiracy, 21 U.S.C., Section  
23 846.

24 As I explained earlier, Count 1 charges that the  
25 Defendant knowingly and willfully conspired to possess with

1 intent to distribute controlled substances, which in this case  
2 are alleged to be a mixture and substance containing a  
3 detectable amount of N-pyrrolidinoetonitazene, a Schedule I  
4 controlled substance, a mixture and substance containing a  
5 detectable amount of methylenedioxymethamphetamine, a Schedule  
6 I controlled substance, a mixture and substance containing a  
7 detectable amount of butylone, a Schedule I controlled  
8 substance, and a mixture and substance containing a detectable  
9 amount of cocaine, a Schedule II controlled substance.

10 It is a separate Federal crime for anyone to conspire  
11 to knowingly possess with intent to distribute a controlled  
12 substance. Title 21 United States Code, Section 841(a) (1)  
13 makes it a crime for anyone to knowingly possess  
14 N-pyrrolidinoetonitazene, methylenedioxymethamphetamine,  
15 butylone, or cocaine with intent to distribute it.

16 A conspiracy is an agreement by two or more persons to  
17 commit an unlawful act. In other words, it is a kind of  
18 partnership for criminal purposes. Every member of the  
19 conspiracy becomes the agent or partner of every other member.  
20 The Government does not have to prove that all of the people  
21 named in the indictment were members of the plan or that those  
22 who were members made any kind of formal agreement.

23 The heart of the conspiracy is the making of the  
24 unlawful plan itself, so the Government does not have to prove  
25 that the conspirators succeeded in carrying out the plan.

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1           The Defendant can be guilty only if all of the  
2 following facts are proved beyond a reasonable doubt.

3           One, that two or more people in some way agreed to try  
4 to accomplish a shared and unlawful plan, the object of which  
5 was to possess with intent to distribute a controlled substance  
6 such as N-pyrrolidinoetonitazene,  
7 methylenedioxymethamphetamine, butylone, or cocaine;

8           And two, the Defendant knew the unlawful purpose of  
9 the plan and willfully joined in it.

10           A person may be a conspirator without knowing all the  
11 details of the unlawful plan or the names and identifies of all  
12 the other alleged conspirators. If the Defendant played a  
13 minor part in the plan, but had a general understanding of the  
14 unlawful purpose of the plan and willfully joined in the plan  
15 on at least one occasion, that is sufficient for you to find  
16 the Defendant guilty.

17           Simply being present at the scene of an event or  
18 merely associating with certain people and discussing common  
19 goals and interests doesn't establish proof of a conspiracy.  
20 Also, a person who doesn't know about a conspiracy, but happens  
21 to act in a way that advances some purpose of one does not  
22 automatically become a conspirator.

23           Controlled substances, possession with intent to  
24 distribute 21 U.S.C., Section 841(a) (1).

25           Count 2 charges that the Defendant possessed with the

1 intent to distribute a mixture and substance containing a  
2 detectable amount of N-pyrrolidinoetone, a Schedule I  
3 controlled substance, a mixture and substance containing a  
4 detectable amount of butylone, a Schedule I controlled  
5 substance, and a mixture and substance containing a detectable  
6 amount of cocaine, a Schedule II controlled substance.

7 It is a Federal crime for anyone to possess a  
8 controlled substance with intent to distribute it.  
9 N-pyrrolidinoetone, butylone, and cocaine are each a  
10 controlled substance.

11 The Defendant can be found guilty of this crime only  
12 if all of the following facts are proved beyond a reasonable  
13 doubt:

14 The Defendant knowingly possessed  
15 N-pyrrolidinoetone, butylone, or cocaine, and the  
16 Defendant intended to distribute N-pyrrolidinoetone,  
17 butylone or cocaine.

18 The Defendant knowingly possessed the controlled  
19 substance if the Defendant knew he possessed a substance listed  
20 on the Federal schedules of controlled substances even if the  
21 defendant did not know the identity of the substance, or the  
22 Defendant knew the identity of the substance he possessed even  
23 if the Defendant did not know the substance was listed on the  
24 Federal schedules of controlled substances.

25 To intend to distribute is to plan to deliver

1 possession of a controlled substance to someone else, even if  
2 nothing of value is exchanged.

3 Possessing a firearm in furtherance of a drug  
4 trafficking crime, 18 United States Code, Section 924(c) (1) (a) .

5 It is a separate Federal crime to possess a firearm in  
6 furtherance of a drug trafficking crime. The Defendant can be  
7 found guilty of this crime only if all of following facts are  
8 proved beyond a reasonable doubt:

9 One, that the Defendant committed the drug trafficking  
10 crime charged in Count 1 or 2 of the indictment; and two, that  
11 the Defendant knowingly possessed a firearm in furtherance of  
12 the crime as charged in the indictment.

13 A firearm is any weapon designed to or readily  
14 convertible to expel a projectile by the action of an  
15 explosive. The term includes the frame or receiver of any such  
16 weapon or any firearm muffler or silencer.

17 To possess a firearm is to have direct physical  
18 control of the firearm or to have knowledge of the firearm's  
19 presence and the ability and intent to later exercise control  
20 over the firearm. Possessing a firearm in furtherance of a  
21 crime means that the firearm helped, promoted, or advanced the  
22 crime in some way. If you find the Defendant guilty of  
23 possessing a firearm in furtherance of a drug trafficking crime  
24 you will answer an additional question about the firearm.

25 Whether the firearm was a machinegun.

1           The Government has the burden on this question and the  
2           standard, again, is proof beyond a reasonable doubt. A  
3           machinegun is a weapon that shoots, is designed to shoot, or  
4           can be readily restored to shoot multiple shots automatically  
5           without manually reloading using one sustained pull of the  
6           trigger or by a single pulling of the trigger.

7           The term also includes any part or combination of  
8           parts used to assemble or convert another weapon into a  
9           machinegun.

10          Possession of a firearm by a convicted felon, 18  
11          United States Code, Section 922(g)(1).

12          It is a Federal crime for anyone who has been  
13          convicted of a felony offense to possess a firearm or  
14          ammunition in or affecting interstate or foreign commerce. The  
15          Defendant can be found guilty of this crime only if all of the  
16          following facts are proved beyond a reasonable doubt:

17          One, the Defendant knowingly possessed a firearm in or  
18          affecting interstate or foreign commerce; two, before  
19          possessing the firearm the Defendant had been convicted of a  
20          felony, a crime punishable by imprisonment of more than one  
21          year; and three, at the time the Defendant possessed the  
22          firearm the Defendant knew he had previously been convicted of  
23          a felony.

24          A firearm is any weapon designed to or readily  
25          convertible to expel a projectile by the action of an

1 explosive. The term includes the frame or receiver of any such  
2 weapon, or any firearm muffler or silencer.

3 The term interstate or foreign commerce includes  
4 the movement of a firearm or ammunition from one state to  
5 another, or between the United States and any foreign country.  
6 It is not necessary for the Government to prove that the  
7 Defendant knew that the firearm or ammunition had moved from  
8 one state to another, only that the firearm or ammunition did  
9 in fact move from one state to another.

10 Possession of unregistered firearm, 26 U.S.C., Section  
11 5861(d).

12 It is a Federal crime for anyone to possess certain  
13 kinds of firearms that are not properly registered to him in  
14 the National Firearms Registration and Transfer Record.

15 A firearm includes a machinegun. A machinegun is a  
16 weapon that shoots, is designed to shoot, or can be readily  
17 restored to shoot multiple shots automatically without manual  
18 reloading using one sustained pull of the trigger, or by a  
19 single pulling of the trigger. The term also includes any part  
20 or combination of parts used to assemble or convert another  
21 weapon into a machinegun.

22 The Defendant can be found guilty of this crime only  
23 if all of the following facts are proved beyond a reasonable  
24 doubt:

25 One, that the Defendant knowingly possessed a firearm;



1 two, the firearm was not registered to the Defendant in the  
2 National Firearms Registration and Transfer Record; and three,  
3 the Defendant knew the specific characteristics or features of  
4 the firearm that made it subject to registration under the  
5 National Firearms Registration and Transfer Record.

6 The Government does not have to prove that the  
7 Defendant knew the item described in the indictment was a  
8 firearm that must be legally registered. The Government only  
9 has to prove beyond a reasonable doubt that the Defendant knew  
10 about the specific characteristics or features of the firearm  
11 that made it subject to registration; namely, that the firearm  
12 could shoot, was designed to shoot, and could readily be  
13 restored to shoot multiple shots automatically without manual  
14 reloading using one sustained pull of the trigger or by a  
15 single pulling of the trigger.

16 Possession.

17 The law recognizes several kinds of possession. A  
18 person may have actual possession, constructive possession,  
19 sole possession, or joint possession.

20 Actual possession of a thing occurs if a person  
21 knowingly has direct physical control over it. Constructive  
22 possession of a thing occurs if a person doesn't have actual  
23 possession of it, but has both the power and the intention to  
24 take control over it later. Sole possession of a thing occurs  
25 if a person is the only one to possess it. Joint possession of

1 a thing occurs if one or more people share possession of it.

2 The term "possession" includes actual, constructive, sole, and  
3 joint possession.

4 Caution, punishment, single defendant with multiple  
5 counts.

6 Each count of the indictment charges a separate crime.  
7 You must consider each crime and the evidence relating to it  
8 separately. If you find the Defendant guilty or not guilty of  
9 one crime that must not affect your verdict for any other  
10 crime. I caution you the Defendant is on trial only for the  
11 specific crimes charged in the indictment. You are here to  
12 determine from the evidence in this case whether the Defendant  
13 is guilty or not guilty of those specific crimes.

14 You must never consider punishment in any way to  
15 decide whether the Defendant is guilty. If you find the  
16 Defendant guilty, the punishment is for the judge alone to  
17 decide later.

18 Note taking.

19 You have been permitted to take notes during the  
20 trial. Most of you, perhaps all of you, have taken advantage  
21 of that opportunity. You must use your notes only as a memory  
22 aid during deliberations. You must not give your notes  
23 priority over your independent recollection of the evidence and  
24 you must not allow yourself to be unduly influenced by the  
25 notes of other jurors. I emphasize that notes are not entitled

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1 any greater weight than your memories or impressions about the  
2 testimony.

3 Duty to deliberate.

4 Your verdict, whether guilty or not guilty, must be  
5 unanimous. In other words, you must all agree. Your  
6 deliberations are secret, and you will never have to explain  
7 your verdict to anyone. Each of you must decide the case for  
8 yourself, but only after fully considering the evidence with  
9 the other jurors. So you must discuss the case with one  
10 another and try to reach an agreement.

11 While discussing the case do not hesitate to  
12 re-examine your own opinion and change your mind if you become  
13 convinced that you were wrong, but don't give up your honest  
14 beliefs just because others think differently or because you  
15 simply want to get the case over with.

16 Remember that in a very real way you are judges,  
17 judges of the facts. Your only interest is to seek the truth  
18 from the evidence in the case.

19 When you go to the jury room choose one of your  
20 members to act as a foreperson. The foreperson will direct  
21 your deliberations and speak for you in court. A verdict form  
22 has been prepared for your convenience.

23 I will go over the verdict form now, and you should  
24 all have a copy of the verdict form. Let me caution you that I  
25 gave you all a copy for your convenience, but only one verdict

1 form gets completed. It is this one that I am holding up, it  
2 is blue. You should not take notes or write on the verdict  
3 form. I wanted you each to have one, but the foreperson will  
4 complete one and only one verdict form, and that is the blue  
5 one. I will go over the verdict form now.

6 We, the jury, unanimously find as follows as to the  
7 Defendant as to the following counts of the third superseding  
8 indictment:

9 Count 1. As to Count 1 of the third superseding  
10 indictment, conspiracy to possess controlled substances with  
11 intent to distribute, in violation of 21 U.S.C. Section 846, we  
12 find the Defendant guilty, not guilty.

13 Note: If you did not find the Defendant guilty as to  
14 Count 1, please proceed to Count 2. If you found the Defendant  
15 guilty as to Count 1, please answer the following question.

16 We, the jury, having found the Defendant guilty of the  
17 offense charged in Count 1, further find that he conspired to  
18 possess with intent to distribute the following controlled  
19 substances: N-pyrrolidinoetonitazene,  
20 methylenedioxymethamphetamine, butylone, cocaine.

21 Count 2. As to Count 2 of the superseding  
22 indictment -- as to Count 2 of the third superseding  
23 indictment, possession with intent to distribute a controlled  
24 substance, in violation of 21 U.S.C., Section 841(a)(1), we  
25 find the Defendant guilty, not guilty.

1           Note: If you did not find the Defendant guilty as to  
2 Count 2, please proceed to Count 3. If you found the Defendant  
3 guilty as to Count 2, please answer the following question.

4           We, the jury, having found the Defendant guilty of the  
5 offense charged in Count 2, further find that he possessed with  
6 intent to distribute the following controlled substances:  
7 N-pyrrolidinoetonitazene, butylone, cocaine.

8           Count 3. As to Count 3 of the third superseding  
9 indictment, possession of a firearm in furtherance of a drug  
10 trafficking crime, in violation of 18 United States Code,  
11 Section 924(c) (1) (A), we find the Defendant guilty, not guilty.

12           Note: If you did not find the Defendant guilty as to  
13 Count 3, please proceed to Count 4. If you found the Defendant  
14 guilty as to Count 3, please answer the following questions.

15           We, the jury, having found the Defendant guilty of the  
16 offense charged in Count 3, further find that he possessed the  
17 firearm in furtherance of the following drug trafficking  
18 crimes: Count 1, conspiracy to possess controlled substances  
19 with intent to distribute. Count 2, possession of controlled  
20 substances with intent to distribute.

21           We, the jury, having found the Defendant guilty of the  
22 offense charged in Count 3, further find with respect to that  
23 count that the firearm possessed was a machinegun; yes or no.

24           Count 4. As to Count 4 of the third superseding  
25 indictment, knowing possession of a firearm by a previously

1 convicted felon, in violation of 18 United States Code, Section  
2 922(g) (1), as alleged in Count 4 of the third superseding  
3 indictment, we find the Defendant guilty, not guilty.

4 Note: If you did not find the Defendant guilty as to  
5 Count 4, please proceed to Count 5. If you found the Defendant  
6 guilty as to Count 4, please answer the following question.

7 We, the jury, having found the Defendant guilty of the  
8 offense charged in Count 4, further find that he possessed the  
9 firearm after having had at least three previous convictions  
10 for offenses committed on occasions different from one another;  
11 yes, no.

12 Count 5. As to Count 5 of the third superseding  
13 indictment, possession of a machinegun not registered in the  
14 National Firearms Registration and Transfer Record, in  
15 violation of 26 U.S.C., Sections 5841, 5861(d), and 5871, we  
16 find the Defendant guilty, not guilty.

17 So say we all, dated and signed by the foreperson.

18 You will take the verdict form with you to the jury  
19 room. When you have all agreed on the verdict, the foreperson  
20 must fill in the form, sign it, date it, and carry it in. Then  
21 you will return to the courtroom. So, what you will do is you  
22 will knock on the door and the Court Security Officer who will  
23 be outside of the room will bring you back in.

24 If at any time you wish to communicate with me while  
25 you are in the jury room deliberating write your message down

1 on a piece of paper, or the question that you have, and give it  
2 to our Marshal or to our U.S. Court Security Officer, and the  
3 Marshal will bring it to me and I will respond as promptly as  
4 possible either in writing or talking to you in the courtroom.  
5 But I caution you not to tell me how many jurors have voted one  
6 way or the other at that time. Simply write the question or  
7 the message down and have it sent back out to me.

8 So, at this time, we are going to turn the matter back  
9 over to the attorneys to see whether they have any closing  
10 arguments.

11 So, I will begin with the Government for any closing  
12 argument.

13 MRS. CHASE: Thank you, your Honor.

14 Willie Boone is a street-level distributor of  
15 narcotics. He possessed firearms in furtherance of his drug  
16 trafficking crimes. One of those firearms that he possessed  
17 was a machinegun that was designed to readily shoot  
18 automatically multiple rounds of ammunition with the single  
19 pull of the trigger. Willie Boone could not possess any  
20 firearms legally because he knew that he was a convicted felon  
21 multiple times over.

22 In opening statements counsel for the Defendant told  
23 you that you would never hear from a witness who saw Willie  
24 Boone conduct a hand-to-hand transaction, you wouldn't hear any  
25 audio of Willie Boone conducting a hand-to-hand transaction or

1 sell any drugs. The Government accepts that, but Her Honor  
2 just instructed you that there are multiple types of evidence  
3 for which you can conclude beyond a reasonable doubt that a  
4 person committed a crime. That is because you don't leave your  
5 common sense at the door.

6 In the preliminary instructions on Monday Her Honor  
7 had used the example of somebody coming into the courthouse  
8 carrying a wet umbrella. Sometimes we further elaborate on  
9 that, shaking out the wet umbrella, wearing a trench coat that  
10 is also covered with rain droplets. If you were to see that  
11 person with the wet trench coat and shaking out the wet  
12 umbrella, you could conclude that it is raining outside even if  
13 you are nowhere near a window to see the rain.

14 Another example that we commonly use, a cookie jar.  
15 If you have a cookie jar and you knew that previously there  
16 were two cookies in that jar and now there is none, but there  
17 is a trail of crumbs leading to the family room, and in the  
18 family room is a child with sticky fingers, chocolate smeared  
19 on his face, you can conclude that the child ate the two  
20 cookies from the cookie jar. Common sense.

21 This evidence is strewn with the cookie crumbs of  
22 Willie Boone. From this evidence you can conclude beyond a  
23 reasonable doubt that Willie Boone committed the five crimes  
24 charged in the indictment.

25 Let's walk through that evidence. 621 52nd Street



1 here in West Palm Beach, in the Southern District of Florida,  
2 this is a known drug stash house to law enforcement. Detective  
3 Chaves testified that he had actually witnessed multiple  
4 hand-to-hand transactions in the front yard.

5 Special Agent Finnamore testified that in his  
6 undercover capacity, he actually made purchases from this  
7 residence. He also testified that he had been the case agent  
8 on other cases that involved this residence, and Willie Boone  
9 and his co-conspirators tagged in and tagged out like a relay  
10 race to sell drugs from this residence.

11 You know from the text messages from Willie Boone's  
12 phone that he was very familiar this residence. Over and over  
13 throughout Government Exhibit 22 are references to Willie Boone  
14 being at 52nd Street. In fact, on February 25th, just days  
15 prior to the execution of the search warrant, he even gives the  
16 full address of 621 52nd Street, West Palm Beach.

17 Now, we know from the execution of the search warrant  
18 on March 3, 2022, that this was in fact a drug stash house, as  
19 law enforcement had known previously, and what was found on  
20 March 3rd were multiple drugs, along with all the tools of the  
21 drug distribution trade.

22 There was a scale, there was a razor blade, there were  
23 two firearms readily accessible and readily operable, each with  
24 one in the chamber and loaded magazines, and in fact the Glock  
25 had a loaded extended magazine capable of holding 31 rounds and

1 that law enforcement testified in fact had 24 rounds in it.

2 That Glock additionally had the machinegun conversion  
3 device that rendered it fully automatic with a single pull of  
4 the trigger capable of firing up to 32 rounds of ammunition  
5 with one single trigger pull.

6 Elsewhere in the residence and on the table are  
7 narcotics, caps of fentanyl, crack cocaine, and we know that  
8 there was also butylone in a baggie stored on the shelf, and  
9 additional paraphernalia in the form of the baggies that are  
10 intended for distribution.

11 All of the members of the conspiracy, including Willie  
12 Boone, jointly and constructively possessed these items in the  
13 house.

14 Her Honor just instructed you on the various different  
15 types of possession, including joint and constructive  
16 possession. Constructive possession is like all of the things  
17 sitting back at my house right now. I don't physically have  
18 control of them in the courthouse, I am not carrying my items  
19 around with me, but I still possess all of the items inside my  
20 own house. They still belong to me and I maintain custody and  
21 control of them even though they are not next to me right now.

22 Her Honor also instructed you that joint possession is  
23 a manner in which things can be possessed. 621 52nd Street is  
24 a stash house where the members of the conspiracy tag in and  
25 tag out to distribute drugs, and Willie Boone was selling drugs

1 at 621 52nd Street.

2 Government Exhibit 22 is replete with multiple  
3 conversations with multiple people discussing his distribution  
4 of drugs. Over and over he discusses the drugs and how he sold  
5 them, and Agent Finnamore went over those conversations in  
6 detail with you.

7 Now, I said that this conspiracy operates like a relay  
8 race, the members of the conspiracy tag in and tag out to sell  
9 at 621 52nd Street. For example, here in this text message in  
10 Government Exhibit 22 we have Mr. Boone telling Uncle  
11 Butterball, "Me and Jamal out here olo dolo holding it down"  
12 and he just gave the money to cuh, who we know from the  
13 testimony to be KG Cuh, or Kevin Gibson, to get him out of the  
14 way.

15 In fact, Willie Boone had been at the residence for  
16 two days selling drugs and was now going to leave to go to his  
17 actual home. This is not where Willie Boone lives, this is not  
18 the address that is listed in his pre-populated auto fill  
19 forms. This is a house solely intended for selling drugs. You  
20 saw the video walk-through, it's pretty clear that nobody is  
21 actually living there. All of the things in the house are  
22 indicative of drug distribution.

23 We also know that they tag in and tag out from his  
24 conversation with his co-conspirator, Kevin Gibson, KG Cuh in  
25 his phone, because here, after he has just described to Uncle

1 Butterball that he and Jamal were holding it down, Willie Boone  
2 is going to tag out and let Kevin Gibson tag in.

3 He is telling Kevin Gibson exactly what he has  
4 accomplished in his shift so that Kevin Gibson can take over  
5 the next shift and keep selling the drugs out of the house.  
6 So, he got the money from Jamal for Kevin Gibson, and he is  
7 going to leave the tools, the firearms, in the oven for Kevin  
8 Gibson to have access to. He sets up his colleague in this  
9 criminal enterprise for success.

10 You know from Government Exhibit 31 that those  
11 substances seized from the residence were in fact drugs, so you  
12 can easily find that with respect to Counts 1 and 2 of the  
13 indictment.

14 You might be asking yourself, where is  
15 methylenedioxymethamphetamine? I have heard a lot about  
16 methylenedioxymethamphetamine, but there wasn't in fact  
17 methylenedioxymethamphetamine seized from the residence. But  
18 Her Honor just instructed you that a conspiracy is a criminal  
19 agreement.

20 Agent Finnamore testified that throughout the text  
21 messages we see that the members of the conspiracy believed  
22 that they were agreed to sell Molly, MDMA, bath salts. That is  
23 the type of drug found in the multi-colored tablets in  
24 Government Exhibit 26 that was actually found to contain  
25 butylone, which is a different Schedule I controlled substance,

1 but Agent Finnamore testified is also in the general  
2 classification of bath salts.

3 The criminal conspiracy was intending to distribute  
4 fentanyl, which actually wound up being  
5 N-pyrrolidinoetonitazene, but Agent Finnamore testified that  
6 that itself is a drug that is now on the market under this  
7 general classification of what people believe to be fentanyl,  
8 and the same thing for the butylone.

9 So you can easily find this fact proven and that the  
10 United States has met its burden of proof as to that element.

11 I want to switch gears a little bit and talk about the  
12 two firearms in this case. On March 3, 2022, when Willie Boone  
13 was at the residence at 621 52nd Street, arrested just  
14 outside -- rather not arrested, but detained just outside, what  
15 was found inside?

16 Two firearms which were readily accessible and readily  
17 operable right next to all the drugs.

18 Agent Finnamore testified that is the exact same Glock  
19 with the extended magazine in the picture that was texted to  
20 Unc Butterball on February 26th, telling him he set aside his  
21 one hundred. The Glock was then found on March 3rd with one  
22 round in the chamber, which is depicted by that single round in  
23 the picture, and 24 rounds in the extended magazine.

24 This is clear evidence that the Defendant possessed  
25 firearms in furtherance of his drug trafficking crimes.

1 Her Honor just instructed you that in order to find  
2 the Defendant guilty of that crime you have to find that the  
3 firearms helped advance or promoted the drug crimes found in  
4 either Count 1 or Count 2, or both, as we submit. You can  
5 easily find this because there are multiple factors here  
6 showing that the Defendant possessed these firearms to advance,  
7 promote, and help his drug trafficking crimes. They were right  
8 next to the drugs and proceeds on March 3, 2022, and  
9 previously, as depicted in the picture.

10 The Glock itself was fully automatic, ready to propel  
11 32 rounds with the extended magazine with a single pull of the  
12 trigger. That is not something that is ordinary in the course  
13 of firearm possession. Agent Finnamore testified that would be  
14 common with respect to possessing a firearm in furtherance of a  
15 drug trafficking crime.

16 The Springfield itself was semiautomatic, so even  
17 though one would have to pull the trigger multiple times,  
18 especially with a loaded magazine, you could shoot multiple  
19 rounds ready to go.

20 The Glock, as I have already said, was readily  
21 operable, the Springfield was readily operable, both of them  
22 had chambered rounds. They were both reported stolen, and you  
23 know from the stipulation that Mr. Boone is a previously  
24 convicted felon three separate times over.

25 Now, before we leave this, the evidence is so

1 overwhelming here, so I want to return to the Uncle Butterball  
2 texts, and I specifically want to return to the conversation  
3 from February 26th where he texts this top picture of the Glock  
4 with the extended magazine, the cash, and the crack.

5 Okay. So, immediately leading up to that he tells  
6 Uncle Butterball that he has been holding it down, and he has  
7 the money to give to Kevin Gibson to get him out of the way.  
8 He is going home because he has been selling for two days.  
9 After he tells Uncle Butterball he is leaving, you could see  
10 the date stamps on this, he then texts Kevin Gibson directly,  
11 he has got the money, the tools are in the oven.

12 This is just one example of your criminal conspiracy.  
13 Uncle Butterball, Willie Boone, Jamal, and Kevin Gibson at a  
14 minimum, among others, have all agreed to take turns  
15 distributing drugs out of 621 52nd Street.

16 You can see here that when he texts Kevin Gibson  
17 directly about taking over his shift after he has been there  
18 for two days selling drugs, he texts Kevin Gibson within mere  
19 hours and tells him that he has put the tools on the bottom  
20 shelf of the oven.

21 So, it should come as no surprise that both Kevin  
22 Gibson and Willie Boone were found to be contributors to the  
23 DNA on Government Exhibit 13. They work shifts at 621 52nd  
24 Street selling drugs. Willie Boone leaves Government Exhibit  
25 13 in the oven for Kevin Gibson to come and take over his shift

1 at the house.

2 You will recall that Ms. Gittens testified that the  
3 DNA on the Glock was taken from the grip, and CSI Eckroth  
4 testified that grips are a particularly good place for lifting  
5 DNA, as we found here.

6 The fact that we have both Kevin Gibson and Willie  
7 Boone contributing to the DNA on the Glock also shows you  
8 evidence of the conspiracy. Agent Finnamore testified that the  
9 Glock is a tool of the drug trafficking trade. Willie Boone  
10 sets up his colleague, Kevin Gibson, for success by leaving it  
11 in the oven, and here they are both found to be contributing to  
12 the DNA lifted from that gun, very strong contributors.

13 In case you had any doubt that Willie Boone knowingly  
14 possessed that Glock, don't forget Government Exhibits 21-B and  
15 C. Agent Finnamore testified as to all the ways that he has  
16 concluded that these firearms are the same as Government  
17 Exhibit 13. In particular, in the video still playing it is  
18 the one on the right that he sets down.

19 Don't forget that he also possessed the Springfield  
20 Armory pistol which also contains his DNA, and which we learned  
21 today from Agent Finnamore is an XD model, and Willie Boone, on  
22 February 28th, texted Aj Brother Dee "I'm on 52 he was holding  
23 the xd then just disappeared."

24 The members of the conspiracy tag in, tag out to  
25 distribute drugs at 52nd Street.



1           Now, I mentioned previously that you know that Mr.  
2 Boone is a previously convicted felon from Government Exhibit  
3 32, which is a stipulation by the parties.

4           I just want to draw attention to the verdict form that  
5 Her Honor just reviewed with you regarding that if you find the  
6 Defendant guilty of having possessed a firearm after having  
7 been convicted of a felony, that you must then answer the  
8 question of whether you find him guilty of having done so after  
9 having at least three prior convictions for a term of  
10 imprisonment exceeding one year.

11           I want to point out to you that that factor is easily  
12 found through the parties' stipulation found in Government  
13 Exhibit 32.

14           Finally, we learn from Mr. Wright that there is no  
15 registration of the Glock machinegun conversion device in the  
16 National Firearms Registration and Transfer Record, and that  
17 even -- we know from Mr. Ciravolo that even the small part  
18 itself would qualify as a machinegun under the law. We know  
19 from Mr. Ciravolo that it was manufactured post 1986, so it  
20 couldn't even be registered.

21           Nevertheless, per Government Exhibit 29 a diligent  
22 search for both Mr. Boone and the serial number itself showed  
23 that there is no such record. He can't register this anyhow,  
24 he is a previously convicted felon who can't legally possess a  
25 firearm at all, and he is possessing it in furtherance of his

1 drug trafficking crimes, trying to hide from law enforcement.

2 The whole purpose of these tools are to protect the  
3 integrity of the drugs and avoid detection by law enforcement  
4 because they can reach for their own form of justice in the two  
5 firearms.

6 There is no doubt that Mr. Willie Boone knew what he  
7 was possessing with this Glock switch. He received a text  
8 message wanting to by a switch. He told the person, I've only  
9 got two right now.

10 This video, Government Exhibit 21-C, at the end of  
11 which, you are quite familiar, depicts two switches. Agent  
12 Finnamore told you both of those devices this morning are  
13 switches.

14 This video, we know from Detective Campbell's  
15 testimony, was created on January 24th. Look at the time code,  
16 11:10. Agent Campbell -- Detective Campbell rather, testified  
17 that he knows that this came from an Instagram app. Within  
18 approximately 50 minutes Willie Boone is receiving the text  
19 message, oh, let me buy a switch. I only got two right now.  
20 You saw the two switches in the video. There is no doubt that  
21 Willie Boone knew that Government Exhibit 13 had the Glock  
22 switch on the back of it.

23 He knowingly possessed a machinegun. It was an  
24 excellent tool in furtherance of his drug trafficking crimes.  
25 With the extended magazine and with the Glock switch, any

1 trouble happens, he could fire up to 32 rounds of ammunition  
2 with a single pull of the trigger to protect his drugs, his  
3 colleagues' drugs, and not have to go to law enforcement.

4 There is only one verdict that all of this evidence  
5 compels and it is a verdict of guilty as charged as to each and  
6 every count.

7 Thank you.

8 THE COURT: That was about 24 minutes. Okay, and from  
9 the Defense.

10 MR. SCHUMACHER: Thank you, Judge. May it please the  
11 Court.

12 THE COURT: Yes.

13 MR. SCHUMACHER: Well, I don't know about the tag in,  
14 tag out, but one thing I will tell you that the evidence proves  
15 beyond a reasonable doubt is that Willie Boone is nothing short  
16 of a ghost, a ghost. Why do I say that? Well, we know that  
17 law enforcement has targeted 651 -- I am sorry, 621 52nd Street  
18 for at least the last three years.

19 You heard Special Agent Finnamore talk about  
20 conducting at least ten transactions in an undercover capacity,  
21 either him directly or his team. Never once does he say, oh,  
22 yeah, I saw Willie Boone, Willie Boone was there all the time.  
23 I was there at different times of the day and night, I didn't  
24 see him in the residence, I saw him outside the residence. Did  
25 we hear that? No, we did not.

1           It was not just ATF -- and by the way, that was a  
2     couple of years ago that Agent Finnamore was actually stationed  
3     up here in West Palm Beach. But what we also know is that West  
4     Palm Beach Police Department, we know that courtesy of  
5     Detective Chaves, was very concerned about this location  
6     because they knew -- had information and their investigation  
7     had yielded that Kevin Gibson was selling narcotics out of that  
8     location, and Kevin Gibson possessed one of these (indicating)  
9     a Glock with a switch. That is what we heard from Detective  
10    Chaves.

11           So, what happens thereafter? Well, they start sending  
12    in a confidential informant to do buys at this location. On  
13    top of that, they are conducting surveillance at this location,  
14    and we know that that starts from at least late February 2022,  
15    up until the time of the execution of the search warrant, and  
16    during those ten or so days during the surveillance Willie  
17    Boone is not seen at that location. Willie Boone is not  
18    photographed at that location. Willie Boone is not  
19    intercepted.

20           You heard about these clandestinely recorded  
21    conversations where they put sometimes a wire on the  
22    confidential source when they go in, and he reviewed those  
23    tapes, and I asked him, were you ever able to identify Willie  
24    Boone as a person that was conducting narcotics trafficking at  
25    621, and his response was no, nobody was.

Pauline A. Stipes, Official Federal Reporter

1           We have this home located at 621 52nd Street, and what  
2   do we know about it? We know that it is in the epicenter of a  
3   drug corridor. We also know it is the epicenter of  
4   prostitutes, homeless people, traffic in and out of that area,  
5   and we know that also from Detective Chaves.

6           Remember I asked him questions about whether or not he  
7   was watching the back side of the house, because what I will  
8   admit to is that Willie Boone is coming from the gate when law  
9   enforcement is coming in to execute the search warrant on March  
10   3rd. He is coming out with Mr. Williams. Mr. Williams gets on  
11   a bike, goes down the road, and he is stopped down there, and  
12   then they break through the gate and Mr. Boone is not seen --  
13   Mr. Boone is never seen inside the efficiency.

14           Is that a distinction without a difference? I don't  
15   think so, because what the Government is asking you to find Mr.  
16   Boone guilty of in part is because everything that is found  
17   inside that efficiency ties this case together. But yet, the  
18   Government hasn't offered one witness to say, yeah, Willie  
19   Boone was in there that day.

20           Has the Government introduced one -- testimony from  
21   anybody that said that they have ever seen Willie Boone there?  
22   And the answer to that is no. We know they had that area under  
23   surveillance on the date of the execution of the warrant. We  
24   know they have been watching for probably about ten or so days.  
25   Nothing. Well, not exactly nothing.

Pauline A. Stipes, Official Federal Reporter

1           You heard Detective Chaves say that Mr. Gibson was  
2           there selling that very day, earlier on when he was conducting  
3           the surveillance before he left to go team up with his SRT or  
4           SWAT entry people. They leave somebody there, yet nobody knows  
5           how Mr. Boone gets behind that gate or whether or not he ever  
6           entered into that efficiency.

7           By the way, this is not Ms. Chase's house. She draws  
8           an analogy from the fact, oh, just like the stuff back in my  
9           house, I can go back and take control of it.

10          They haven't shown that Willie Boone was ever, not one  
11          time, in that house. Not one witness said he was ever in  
12          there. And they are going to get up on redirect because they  
13          have that benefit, this is my only opportunity to address you,  
14          and they are going to tell you, we have all of these text  
15          messages and so forth that spout out that particular address.  
16          That wasn't Willie Boone's address. We know that his address  
17          from the auto fill was 1423 7th Street in West Palm Beach.

18          Again, make no mistake, there is nothing to suggest  
19          that Willie Boone was inside that premises that day.

20          You heard from Agent Finnamore, a man with tons of  
21          experience, say there is a couple of -- there is a couple of  
22          for sures in the drug trade. Number one, you arm yourself.  
23          You arm yourself because there is multiple dangers. There is  
24          the danger of having your drugs stolen, there is the danger of  
25          being killed by a competitor, killed or seriously injured.

Pauline A. Stipes, Official Federal Reporter

1           So, what do drug dealers do? They arm themselves, but  
2 they don't leave their guns sitting at their home any more than  
3 Ms. Chase would leave her computers knowingly at home when she  
4 comes to the office. Why? Because a drug dealer's life  
5 depends on it.

6           At the time that Mr. Boone was actually encountered by  
7 law enforcement he did not have a gun, nor was he readily  
8 accessible to a gun. What good was it going to do when he had  
9 to run the 30, 40 feet that he was found in when law  
10 enforcement came through the gate to back inside the  
11 efficiency? What good does that do?

12           You also heard that these phones that were back inside  
13 the residence were ringing off the hook, and why is that of  
14 significance? Well, again, as I asked Special Agent Finnamore,  
15 are drug dealers going to leave their phones around and not  
16 answer them? Oh, no, they are not going to lose the business.  
17 That phone its glued to their hand.

18           So, Mr. Boone, when he is stopped and was frisked, is  
19 in possession not only of no gun, but no narcotics, nothing,  
20 nothing on his person, nothing, and no phone.

21           Now, I submit to you, ladies and gentlemen, that your  
22 decision comes down to this on each count: Does reasonable  
23 doubt exist that the Government has proved each of these  
24 separate crimes beyond a reasonable doubt? Have they done  
25 that? Have they gone forward with their exclusive verdict?

1 I submit to you that reasonable doubt can arise from  
2 the evidence, from a lack of evidence, or a conflict in the  
3 evidence, a conflict like why is a known drug dealer not seen  
4 dealing drugs? Why does he not have a firearm on his person  
5 when he is apparently leaving this area? Why does he not have  
6 narcotics on his person, and why does he not have the very  
7 instrumentality that brings him money every day, a phone?

8 Lack of evidence like drug deals going on in this  
9 location, but Willie Boone is not seen doing that. Willie  
10 Boone is not seen or heard on the recordings dealing drugs.

11 It is over the course of a number of years that this  
12 house is being watched one way or another by law enforcement.  
13 He must be a ghost.

14 Lack of evidence. Well, Government's Exhibit 3 -- you  
15 know, when law enforcement presents a case to you they are  
16 ultimately responsible for what they do, and what they don't  
17 do, particularly if it causes reasonable doubt to arise.

18 I asked Detective Chaves, do you usually check the  
19 mail at a location to see if that person is associated in some  
20 fashion? Did you check the mailbox? I think his testimony  
21 was, I don't recall, but I didn't personally.

22 Did you check with the owner of the property to see  
23 who lived there? No. Did you check with any of the neighbors,  
24 one neighbor? He said, oh, yeah, I see this guy all the time.  
25 I see this ghost, he is not really a ghost, he is a real guy,



1 one time. Nah, we didn't do that.

2 He pushes it off by saying, well, we think one of Mr.  
3 Boone's family or friends lives in the front house, and we  
4 tried to reach them one time. Not much of an effort, by the  
5 way.

6 Again, the Government's responsible for how they  
7 conduct their investigation. Much has been made about  
8 Government Exhibit 6. Well, I asked Detective Chaves, did  
9 anybody think to look to see whose name is on the receipt, the  
10 credit card that was used for that receipt? No.

11 How about the very thing where there is apparently  
12 some residue on it, on this -- it looks like it may have been  
13 cut -- it almost looks like there is residue on the razor and  
14 it is being cut on this notebook. Did you process the notebook  
15 to see who is associated with that notebook? No, we didn't do  
16 that.

17 So, this is -- the Government's burden is to show you  
18 that there is a tie to Willie Boone being in there that day.  
19 Counts 2, 3, 4, and 5 all deal with things that occurred on  
20 that date. They are telling you in Count 2 Willie Boone  
21 possessed the cocaine, butylone, and the other narcotic, which  
22 I am not going to try to pronounce, on that day. That is what  
23 the allegation is.

24 What they are saying is, we believe the evidence will  
25 show beyond a reasonable doubt to you that all the narcotics

1 found inside that house belonged to him or were possessed by  
2 him with the intention of distribution. The problem is, there  
3 is no proof that Willie Boone was in that house that day.

4 Count 3 charges possession of a gun, this Glock that  
5 has been rendered automatic, on that day that Willie Boone  
6 possessed it.

7 Now, according to the Government's evidence, sometime  
8 in January -- and Ms. Chase just showed you the video.  
9 Sometime in January somebody videoed what appears to be a  
10 similar type of Glock in Mr. Boone's hand, but we also know  
11 that there was a Glock with a switch that belonged to Kevin  
12 Gibson. I don't know if Kevin gave to it him, it is not clear,  
13 for that purpose of the video on that date. That date is  
14 certainly not this date, not the March 3, 2022 date.

15 So, if you believe from the evidence -- from the DNA  
16 evidence that Willie Boone touched that weapon, again, what you  
17 have to remember is that the testimony has been, like a  
18 fingerprint, DNA does not tell you when that particular deposit  
19 was made, and it doesn't mean that he had it in his possession  
20 on that date.

21 Also, the Government has charged on that date that Mr.  
22 Boone possessed a firearm in furtherance of a drug trafficking  
23 offense. Fortunately the jury instruction gives you an  
24 indication of what possession means.

25 It says, to possess a firearm is to have direct

1 physical control of a firearm, which we know is not the case  
2 because it wasn't on his person. There is also an instruction  
3 on actual possession. Actual possession means I am actually  
4 possessing this magic marker.

5 Constructive possession is, maybe I leave it over here  
6 on the desk, and I have the ability and intent to later  
7 exercise control of the firearm.

8 So, has the Government afforded you that same proof  
9 that Willie Boone intended to go back? First of all, they  
10 can't prove that he was inside the efficiency. Secondly, they  
11 certainly haven't proven that he had the intention of taking  
12 over that firearm.

13 Now, let's talk about the elephant in the room. The  
14 elephant in the room is Willie Boone is a convicted felon, and  
15 we have stipulated to that. We stipulated that he has three  
16 prior convictions, felonies. There is a tendency to think,  
17 well, probably just did something again, probably broke the law  
18 again, he's done it three times before.

19 Ladies and gentlemen, that is not what you can use  
20 that stipulation for. That is strictly as it relates to Count  
21 3, as it relates to whether or not -- I am sorry, Count 4, that  
22 he was a convicted felon in possession of a firearm. That is  
23 the only thing it can be used for. It is not something that  
24 you can use to impute, well, he broke the law before, he  
25 probably did it again, didn't think much about it the last two

1 or three times.

2 You cannot do that. You are violating your duty as  
3 jurors if you do that.

4 Agent Finnamore tells you, I don't know, and the agent  
5 from ATF, the expert, can't tell you when the Glock switch was  
6 put on the gun, but as it relates to that Glock switch, the  
7 Government does have to prove beyond a reasonable doubt that  
8 the Defendant knew about the specific characteristics or  
9 features of the firearm that made it subject to registration.

10 So, we know from Special Agent Finnamore that he  
11 didn't figure out whether or not it had been fired, but he  
12 speculated it had been by the seizing law enforcement agency.  
13 Never have you seen introduced into evidence anything  
14 suggestive of the fact that Willie Boone knew it to be an  
15 automatic weapon. You don't see a video, for instance.  
16 Pointing the gun, yes; firing it, no.

17 We talked about the absence of evidence, the lack of  
18 evidence. Well, the Government's own expert says to you,  
19 listen, I can't tell you when any of these photos were actually  
20 created. I can tell you there is a time stamp on some of  
21 these, but did I find them actually on the phone? The answer  
22 was no.

23 He couldn't even say, with the exception of one image  
24 that was a selfie, that actually showed to be a selfie, he  
25 can't say that any of these images originated from these

1 particular phones that were located there. What he does say is  
2 that the Instagram account could have told you definitely where  
3 these came from. And did law enforcement subpoena the  
4 Instagram account? No. No. Knowing that these records, these  
5 replete records of texting and so forth coming from Instagram,  
6 did they subpoena that? That would have been proof beyond a  
7 reasonable doubt. They didn't do so, they chose not to do so.

8 Jamaican currency found at the location. A question  
9 again: Is there any evidence at all that Willie Boone ever  
10 traveled to Jamaica, had Jamaican friends? Was Kevin Gibson  
11 Jamaican? Was Mr. Roderick Williams Jamaican? Who does this  
12 money belong to?

13 While we are at it, Government Exhibit 25 is the money  
14 that was recovered on the scene. Not exactly the roll or the  
15 log that Detective Finnamore talked about, 1's, 5's, 10's.

16 By the way, the Government is going to come up and  
17 say, oh, there is this conversation on the phone about  
18 switches. Well, getting back to that standard of proof and  
19 that jury instruction about what the Government has to prove to  
20 you beyond a reasonable doubt as far as the special  
21 characteristics, we heard from Ms. Eckroth, a seasoned CSI  
22 officer who had handled over 300 firearms in her career, she  
23 estimates that 60 of those were Glocks, she had no idea this --  
24 that that was an automatic weapon. Nobody else apparently knew  
25 either.

1           You also heard from Special Agent Finnermore that  
2 switches are kind of a new origin, they are new on the scene.  
3 So, a seasoned and trained person didn't notice it, and  
4 apparently the officers that took it into custody on that date  
5 also didn't realize that this is a Glock switch or an automatic  
6 weapon.

7           Special Agent Finnermore tells you, putting aside his  
8 experience, this is the only difference between a Glock switch  
9 and fully automatic, this one half inch by maybe one inch item  
10 at the back of the slide.

11           Ladies and gentlemen, that is all I have for you. Mr.  
12 Boone and myself appreciate the attention that you have given  
13 to us in this matter, and we call upon you to exercise your  
14 sworn duty to examine this case the way it should be, and find  
15 that there is in fact a reasonable doubt as to Counts 1 through  
16 5 and return a verdict of not guilty as to those five counts.

17           Thank you.

18           THE COURT: Anything further from the Government?

19           MS. DARSCH: Yes, your Honor.

20           Reasonable doubt is a real doubt, it is based on  
21 reason and common sense. It's not a crazy doubt that just  
22 because someone didn't see someone inside a residence on an  
23 exact date, that that person wasn't there and they were a ghost  
24 that never existed in that same residence that was known as a  
25 drug stash house and had boarded up windows so law enforcement

1 couldn't see inside despite their op plan, and the debriefing  
2 that you heard Detective Chaves talk about.

3 They had surveillance on this house, it had boarded up  
4 windows, it had a white gate in front of it, it actually had  
5 two gates, an iron gate and a white fence. They had the  
6 ability to lock that gate, but even though we have all that, we  
7 also have Willie Boone's video here, and this is a still shot  
8 of a video with the Glock switch that he is taking himself, and  
9 right next to it is a video that CSI Agent Eckroth took during  
10 her walk-through video of the crime scene.

11 That same bathroom door with the missing door knob  
12 right next to the backsplash right here and the light switch is  
13 in the video that Mr. Boone videotaped of himself in the drug  
14 stash house on 621 52nd Street with his Glock switch, that very  
15 unique Glock switch that has the battery here and light here,  
16 and where you could see during certain points of the video the  
17 switch sticking out right here. And here is the very unique  
18 missing door knob, missing door knob, light, light, backsplash  
19 and backsplash.

20 He is not a ghost, he is there. The reason why law  
21 enforcement did see him on March 3, 2022, despite their op plan  
22 and their debriefing and their surveillance and having SWAT,  
23 was because he was inside the residence with his two cell  
24 phones that law enforcement found that day right next to the  
25 drugs and right next to the two firearms that also had Mr.

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1 Boone's DNA.

2 His DNA wasn't just on one firearm, it was on two  
3 firearms in that house with his two cell phones. As the SWAT  
4 team is about to breach and breached that gate, Mr. Boone is  
5 detained just outside the efficiency, but inside the white  
6 fenced-in area.

7 And right next to Mr. Boone is all the scattered U.S.  
8 currency thrown all over, just outside that iron gate where the  
9 bicycles were, where the one guy got on a bike and bicycled  
10 off. That is not a ghost.

11 Now, the law recognizes different kinds of possession,  
12 and it is constructive possession, joint possession, actual  
13 possession, sole possession. You don't have to find a firearm  
14 on a person, you can find a firearm somewhere else and they can  
15 constructively possess it as long as they exercise control over  
16 it.

17 If you exercise control over something, it doesn't  
18 have to be your house, it doesn't have to be your address, it  
19 can be anything you are exercising control over. So, if you  
20 have a firearm inside a house, such as this residence, and you  
21 have the ability to exercise control over it, that is  
22 constructive possession.

23 So, he had the ability to exercise control over this  
24 because he put it in a house that could be locked up,  
25 especially when law enforcement is watching. That is why Uncle



1 Butterball said, lock the gate to Willie Boone, lock the gate.  
2 He had the ability to lock that house down, that is exercising  
3 control, that is constructive possession, and his DNA is on it.

4 The law recognizes joint possession, and that is why  
5 KG, Kevin Gibson -- you heard Detective Chaves say, yeah, he is  
6 familiar with Kevin Gibson, he goes by the alias of KG and  
7 Mike, and KG Cuh is all over the text messages, and so is Mike,  
8 the plug. And Willie Boone talks about how that is his blood  
9 cousin.

10 So, that is why Kevin Gibson's DNA is on the firearm,  
11 they jointly and constructively possessed it together, and they  
12 controlled it. They locked down that house, they locked that  
13 gate. That is why they kept it in there, because law  
14 enforcement can't get in. You heard from Detective Finnermore  
15 they would need a search warrant to get in. That's where it  
16 was safe, and while they are inside they keep it next to the  
17 drugs while they are cutting the drugs with the razor blade and  
18 they're weighing the drugs with the scale.

19 You saw the scale that they were weighing all the  
20 drugs with, the N-pyrrolidinoetonitazene that they thought was  
21 fentanyl and the butylone that Willie Boone thought was Molly,  
22 beans, MDMA, methylenedioxymethamphetamine. That was the green  
23 tablets that were in the same room next to the guns, and the  
24 crack cocaine right next to the firearms, and all of that was  
25 right next to the two cell phones, Mr. Boone's cell phones that

1 were inside the residence on the day of the search warrant.

2 So, as SWAT is walking in, he is inside, and he is  
3 leaving his cell phones and he actually gets caught, detained  
4 outside. We know he has been inside this residence because  
5 here he is inside the residence.

6 And we also know he was inside the residence because  
7 his blood cousin, Kevin Gibson, KG Cuh -- if I could switch to  
8 the ELMO briefly.

9 On March 3, 2022, we know he is there because he is  
10 looking for the caps. Where did you put the caps, Cuh, KG Cuh,  
11 his blood cousin, Kevin Gibson, Mike, March 3, 2022, before the  
12 search warrant was executed.

13 These are the caps right here, but we don't even have  
14 to prove that he was there on a certain date, we don't have to  
15 prove that. We just have to prove that -- we don't have to  
16 prove a crime occurred on an exact date. We only have to prove  
17 beyond a reasonable doubt that it was committed on a date  
18 reasonably close to the date alleged.

19 And the Defendant keeps talking about surveillance  
20 tapes and the words of Boone, you are never going to hear the  
21 words of Boone, you're never going to see him inside the  
22 residence, we don't hear him, there are no words, the officers  
23 didn't check the mailbox, the officers didn't look for Willie  
24 Boone.

25 We do have words, these are Willie Boone's words right

1 here, all these text messages with his co-conspirators that  
2 tell him to lock that house that he controls, and where he is  
3 telling his other co-conspirators where he hid the firearms  
4 that he controls. He knows where the firearms are, that's when  
5 you are controlling something. You are hiding them in a  
6 certain spot, like the oven, when you are leaving your shift.

7 Even if we didn't have his words and we didn't have  
8 his DNA, a picture does speak a thousand words, and we have  
9 pictures of him and videos of him.

10 If we could change the monitor back to monitor.

11 Here is the crime scene investigator, Aisha Eckroth,  
12 where she took pictures. Here is the green roof, and here is  
13 Willie Boone in front of the green roof. You see the white  
14 fence back here. So, here he is inside the iron gate area, so  
15 he is like right here, and he labeled that selfie. That is not  
16 something Instagram did, that is something he did, and he is  
17 not a ghost because that is on March 3, 2022.

18 So, when SWAT comes in, he goes out, and all the  
19 currency is thrown on the ground, and his two cell phones are  
20 inside, along with the two firearms that have his DNA and the  
21 drugs. That's why he was encountered without a gun.

22 SWAT was moving in and he knew it. His phone was  
23 blowing up. He is not a ghost. Law enforcement knew that this  
24 house was a drug stash house. They didn't need to check the  
25 mailbox for mail. Why? Because they did a walk-through before

1 they looked for anything and they didn't even see a bed.

2 Nobody was sleeping there, nobody was living there. They were  
3 familiar with this drug stash house, they knew he was living  
4 there, they don't need to check the mailbox.

5 They have overwhelming evidence, they had it, they had  
6 the cash, they had the drugs that field tested positive for  
7 drugs, they had his cell phone, they detained him, they took  
8 his DNA.

9 Here he is again. We don't have words? We do have  
10 words. We have all these words and we have these pictures, and  
11 here he is again with the Glock switch. This is a still shot  
12 from the video and this has the light on, and it is the same  
13 exterior stucco as here.

14 And this is the video that he puts the second Glock  
15 switch down in at the end, and that is -- it is January 24th,  
16 11:10, same video, and here, like Special Agent Finnamore said,  
17 yeah, there is the Glock switch right there.

18 One, two, so he has knowledge of a Glock switch, he  
19 doesn't think a switch is a Nintendo switch. He knows what a  
20 Glock switch is. Let me buy a switch. I only got two. This  
21 is one, this is two. He had knowledge of that Glock switch  
22 because this message was sent an hour, approximately, after he  
23 uploaded his video to Instagram at 621 52nd Street.

24 So you see these boarded up windows? You can't see  
25 inside this residence. This is Mr. Boone, and Agent Finnamore

1 testified that this currency he is flashing is not all United  
2 States currency. There is different currency in this picture  
3 from other countries that he is holding in his hands right  
4 outside 621 52nd Street. How do we know that? Because this is  
5 Agent Eckroth's warrant video and a closeup photo of the  
6 exterior of 621 52nd Street, and different types of plywood.  
7 It's like a different color plywood right here, and there's  
8 another color plywood right there.

9 You can't see inside this residence when you are  
10 conducting surveillance until you get a search warrant to get  
11 inside that residence.

12 Here is Willie Boone in front of the same window, same  
13 color wood, same color wood, flashing all his cash in different  
14 currency from other countries. That is less than a month  
15 before the search warrant, and that is what was inside that  
16 boarded up residence when law enforcement finally did get in  
17 there.

18 There is the Glock switch that we just saw earlier.  
19 Zoomed in, it is very visible to the eye. You can see it, it  
20 is external, it is an external mechanism, it is not internal.  
21 He knows it, he had two, and they asked, let me buy a switch.  
22 I've only got two. He knew it, he saw it, and he videoed  
23 himself with it, and he took a picture of it and sent it to  
24 Uncle Butterball.

25 Special Agent Finnermore testified it is the same Glock

1 switch in that picture, it is better than a serial number.  
2 That scratch was left and Agent Finnamore could measure in  
3 where that scratch was, six dots in. He is not a ghost, he is  
4 in that residence and he is videoing himself and he is taking  
5 pictures of himself. That is not a ghost.

6 And this Glock is right here (indicating) it is right  
7 here next to the capsules, the N-pyrrolidinoetonitazene that he  
8 thought was fentanyl, and next to the cocaine, and next to the  
9 razor blade, and next to the folded receipt that he is using to  
10 funnel the powder into the caps. You heard Special Agent  
11 Finnamore talk about how in West Palm Beach that is how  
12 fentanyl is distributed.

13 But one gun wasn't enough. Even though there was DNA  
14 on one gun, there was DNA on the second gun, the XD. The  
15 Springfield Armory pistol that he talks about is an XD. That's  
16 what he talks about in the text messages, the XD. He  
17 controlled the XD also, he knew who had it, or who was supposed  
18 to have it when all the co-conspirators were talking and taking  
19 turns selling in this stash drug house.

20 That is how we know he possessed drugs also with the  
21 intent to distribute, not because all his words show that he is  
22 distributing, like to Nicole who tests it and weighs it on a  
23 scale of one to ten, and tells him how to cut it, how it is not  
24 all real fatty, how it has H in it, she has hives all up her  
25 arms. Maybe it is good for smoking, maybe it is good for

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1 snorting.

2 But we also know that he intends to distribute these  
3 drugs, not from all of his words, but looking at the difference  
4 between a distributor and a user.

5 If you find someone with a very small amount of drugs  
6 on them they are possessing, but they might not be intending to  
7 distribute it. You heard Special Agent Finnermore tell you this  
8 amount of capsules right here, this is not a possession amount.  
9 That is a distribution amount. So, he is possessing these  
10 drugs with the intent to distribute them.

11 This is 11 capsules of what he thought was fatty, that  
12 he was selling to Nicole that she thought was so strong, and  
13 turned out to be N-pyrrolidinoetonitazene. That is a  
14 distribution amount. You can look at that, too, when you are  
15 trying to think is he intending to distribute these drugs.

16 You can also look at his tools. Is he intending to  
17 distribute these drugs if he has not one firearm, but two  
18 firearms, one with an extended magazine, with a switch, that  
19 held 30 rounds and it was loaded with 24 rounds with one round  
20 in the chamber? Would a user have that? No. A possessor  
21 would not have that. Someone who is intending to distribute  
22 drugs would have that.

23 Would a user have a scale? No. That is someone who  
24 is possessing drugs and intending to distribute them. He is  
25 sitting at the table cutting the drugs with his razor blade and

1 using the folded receipt to put it into capsules.

2 And he was told by Uncle Butterball, law enforcement  
3 is watching, when it got really close to the search warrant,  
4 lock that gate, stop serving. He had the ability to stop  
5 serving because he controlled all these items inside this  
6 boarded up house. And while he is in there on March 3, 2022,  
7 his co-conspirators, Kevin Gibson, Aj Brother Dee, three missed  
8 calls are calling him.

9 That is the phone he left inside the house that he was  
10 in as SWAT was moving in.

11 This is the Glock we talked about earlier, the Glock  
12 pistol that Special Agent Finnamore said is the same exact  
13 Glock pistol based on that very unique scratch that is better  
14 than a serial number, and it has that very unique gripping that  
15 is wearing off, that is not following the curve of the Glock,  
16 and that very unique cap on the end of the extended magazine.

17 So, a picture speaks a thousand words. Even if we  
18 didn't have his two cell phones inside the residence, even if  
19 we didn't have his DNA on not one gun, but two guns, even if we  
20 didn't have all of this, he sends a picture of the same Glock  
21 that law enforcement recovered in the house.

22 We know this is in furtherance of his drug trafficking  
23 activity because it is next to all his drug proceeds, it's next  
24 to crack cocaine, it's next to a capsule of what he thinks is  
25 fentanyl, and this is February 25th. The search warrant was on

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1 March 3rd, and here he is talking about Molly with Uncle  
2 Butterball, his co-conspirator, the same guy that told him to  
3 lock the gate because he is controlling this house.

4 So, reasonable doubt is a real doubt, it's based on  
5 reason and common sense. It is not a crazy doubt. That is why  
6 I ask you to return the only verdict that the evidence  
7 supports, and that is guilty on all five counts of the  
8 indictment.

9 Thank you.

10 THE COURT: Okay. Ladies and gentlemen, at this time,  
11 with the exception of one juror -- if I could ask you to stay  
12 behind for a moment, Ms. Wilfon, Juror Number 13 -- we will  
13 have the first 12 jurors retire to the jury room. Bring with  
14 you your notes and your instructions and the verdict form.

15 You may begin insofar as selecting a foreperson, but I  
16 would ask that you not begin your deliberations until the  
17 exhibits are brought back to you. As I understand it, the  
18 exhibits will be on a computer that you will be able to access,  
19 and that is when you can begin to deliberate. That will only  
20 be a moment, we will send that right back and at that point you  
21 can begin to deliberate.

22 I will also send back the indictment and the only  
23 verdict form that you will be writing on, which is the blue  
24 colored paper, and I will remind you that if you have any  
25 questions or comments that you need to relay to me, write them

1 down on a piece of paper and knock, and our Court Security  
2 Officer will bring the note to me. Clearly if and when you  
3 reach a verdict you should let the Court Security Officer know  
4 that as well. At no time should you communicate the nature of  
5 your deliberations, whether you are taking any votes, what the  
6 votes are. I just want to know if there is a specific question  
7 that I will try to answer if I can. Otherwise, we will wait  
8 and see what the outcome is with respect to your deliberations.

9 (Thereupon, the jury left the courtroom at 2:51 p.m.)

10 THE COURT: You may be seated.

11 So, Ms. Wilfon, I don't know -- I don't recall whether  
12 you said you sat on a jury before?

13 THE JUROR: Yes, but not all the way to deliberations.

14 THE COURT: You might remember if they did this in  
15 your other case. In a criminal case the law only provides that  
16 12 jurors will go back to deliberate.

17 It is imperative that we ensure that we have 12 jurors  
18 from the beginning to the end, so it is very common to have  
19 alternate jurors be seated. Sometimes we have two, three, four  
20 alternate jurors. Unlike a civil case, in a criminal case the  
21 alternate jurors cannot go back to deliberate, but I can assure  
22 you that your role in this case was vitally important because  
23 it is also not uncommon for cases to lose jurors along the way  
24 for one reason or another, something happens, somebody gets  
25 sick, and you are qualified to sit as a juror, so you would

1 have moved into that person's seat and you would have gone back  
2 to deliberate.

3 Fortunately, nobody was eliminated, nobody got sick.  
4 We hope that remains the case through their deliberations.

5 To that end, we do want to thank you very much for  
6 your service. I have a small token of our appreciation, that  
7 is all I can give you, but it is a certificate of appreciation  
8 in recognition of your service. You have been with us three  
9 full days and have been attentive and are equally qualified to  
10 serve as a juror.

11 At this point you will be able to be released. You  
12 are no longer under the obligation not to discuss the case with  
13 anyone. Clearly you can't discuss it with the jurors, but  
14 presumably when they come out they may have a verdict or not.

15 I suppose they may not have a verdict and might go  
16 over until tomorrow, so you should know they are still under  
17 the same obligation.

18 So, with that, I will excuse you, and give you this  
19 certificate of appreciation in recognition of your service, and  
20 you can be excused.

21 (Thereupon, the alternate juror left the courtroom.)

22 THE COURT: All right. Do we have your cell numbers?

23 MR. SCHUMACHER: Could I put on the record one  
24 additional objection about the instructions? I didn't do it at  
25 the time because we were in the midst of it, but I would still

1 like to preserve the issue on the instruction that was given as  
2 it related to Count 4 with the additional interrogatory.

3 THE COURT: Not the instruction, you mean the verdict  
4 form.

5 MR. SCHUMACHER: Verdict form.

6 THE COURT: There was nothing in the instruction about  
7 it. Okay.

8 So, I would try to stay close by. My experience is  
9 that if we get a question, we often get it in the beginning,  
10 like the first half hour or so. I don't know if you are  
11 planning on leaving the courthouse anyway. Maybe you are not,  
12 but if you are to go out to get coffee or something, I'd ask  
13 that maybe you don't do that for the first half hour. If you  
14 do, if we get a question we will call you right away. I don't  
15 take up questions unless all counsel are here.

16 I suppose if the five o'clock hour comes and we  
17 haven't heard anything, it is possible Melanie may go in to  
18 inquire. Why don't I say if you don't hear anything from us,  
19 be back at 5:00 so we can assess where we are.

20 Do we have the computer?

21 MRS. CHASE: Yes, your honor. We do have some  
22 physical exhibits to go back. I removed the drug exhibits and  
23 the firearm exhibits. The other exhibits are here, and there  
24 are substitute copies of those exhibits on the computer.

25 THE COURT: And Defense counsel checked that?

1 MR. SCHUMACHER: Yes, your Honor. There was just one  
2 notation, the amount of cocaine, or butylone I think it was,  
3 the Government redacted that because it showed an amount.

4 MRS. CHASE: That was in a file, your Honor, we  
5 corrected it.

6 THE COURT: Melanie can take that to bring to the  
7 jurors.

8 MRS. CHASE: May I approach, your Honor?

9 THE COURT: Yes.

10 (Thereupon, a short recess was taken.)

11 THE COURT: We have a verdict. We have everybody  
12 here, we will bring our jury in.

13 (Thereupon, the jury returns to the courtroom.)

14 THE COURT: Welcome back, you may be seated.

15 I understand there is a verdict. If I could ask our  
16 foreperson if the jury has unanimously agreed on its verdict.

17 THE FOREPERSON: Yes.

18 THE COURT: If you could hand the verdict to our  
19 courtroom deputy, Ms. Richardson. Thank you.

20 Okay, the verdict form appears to be in good order,  
21 everything is regular, nothing inconsistent.

22 Ladies and gentlemen, I am going to now have the  
23 verdict published, which means that Ms. Richardson is going to  
24 read it out loud. Please listen carefully because at the end  
25 either party may ask to have you polled, which is to ask

1 whether this verdict is in fact your verdict. Listen carefully  
2 when she reads the verdict form.

3 If you could please publish the verdict.

4 THE COURTROOM DEPUTY: In case 22-80175-CR-Rosenberg,  
5 United States of America versus Willie Boone.

6 We, the jury, unanimously find as follows as to the  
7 Defendant as to the following counts of the third superseding  
8 indictment:

9 Count 1. As to Count 1 of the third superseding  
10 indictment, conspiracy to possess controlled substances with  
11 intent to distribute, in violation of 21 U.S.C., Section 846,  
12 we find the Defendant guilty.

13 We, the jury, having found the Defendant guilty of the  
14 offense charged in Count 1, further find that he conspired to  
15 possess with intent to distribute the following controlled  
16 substances: N-pyrrolidinoetonitazene,  
17 methylenedioxymethamphetamine, butylone, and cocaine.

18 Count 2. As to Count 2 of the third superseding  
19 indictment, possession with intent to distribute a controlled  
20 substance, in violation of 21 U.S.C., Section 841(a)(1), we  
21 find the Defendant guilty.

22 We, the jury, having found the Defendant guilty of the  
23 offense charged in Count 2, further find that he possessed with  
24 intent to distribute the following controlled substances:  
25 N-pyrrolidinoetonitazene, butylone, and cocaine.

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1           As to Count 3 of the third superseding indictment,  
2 possession of a firearm in furtherance of a drug trafficking  
3 crime, in violation 18 U.S.C. 924(c) (1) (a), we find the  
4 Defendant guilty.

5           We, the jury, having found the Defendant guilty of the  
6 offense charged in Count 3, further find that he possessed the  
7 firearm in furtherance of the following drug trafficking crime,  
8 Count 1, conspiracy to possess controlled substances with  
9 intent to distribute, Count 2, possession of controlled  
10 substance with intent to distribute.

11           We, the jury, having found the Defendant guilty of the  
12 offense charged in Count 3, further find with respect to that  
13 count that the firearm possessed was a machinegun, yes.

14           As to Count 4 of the third superseding indictment,  
15 knowing possession of a firearm by a previously convicted  
16 felon, in violation of 18 U.S.C., Section 922(g) (1), as alleged  
17 in Count 4 of the third superseding indictment, we find the  
18 Defendant guilty.

19           We, the jury, having found the Defendant guilty of the  
20 offense charged in Count 4, further find that he possessed the  
21 firearm after having had at least three previous convictions  
22 for offenses committed on occasions different from one another,  
23 yes.

24           Count 5. As to Count 5 of the third superseding  
25 indictment, possession of a machinegun not registered in the

1 National Firearms Registration and Transfer Record, in  
2 violation 26 U.S.C., Sections 5841, 5861(d), and 5871, we find  
3 the Defendant guilty.

4 It is signed by the foreperson on today's date.

5 THE COURT: Okay. Thank you very much. Does either  
6 side want the jury to be polled?

7 MS. DARSCH: Yes, your Honor.

8 THE COURT: Okay. If you could please poll the jury.

9 BY THE COURTROOM DEPUTY:

10 Q. Juror number one, was the verdict as read your verdict?

11 A. Yes.

12 Q. Juror number two?

13 A. Yes.

14 Q. Juror number three?

15 A. Yes.

16 Q. Juror number four?

17 A. Yes.

18 Q. Juror number five?

19 A. Yes.

20 Q. Juror number six?

21 A. Yes.

22 Q. Juror number seven?

23 A. Yes.

24 Q. Juror number eight?

25 A. Yes.



1 Q. Juror number nine?

2 A. Yes.

3 Q. Juror number ten?

4 A. Yes.

5 Q. Juror number 11?

6 A. Yes.

7 Q. Juror number 12?

8 A. Yes.

9 THE COURTROOM DEPUTY: We have a unanimous verdict.

10 THE COURT: Okay, thank you.

11 Ladies and gentlemen, on behalf of the Court and the  
12 parties and the attorneys, we want to thank you very much for  
13 your time and consideration of this case, and for fulfilling  
14 your civic duty to serve as jurors.

15 I want to advise you of some very special privileges  
16 that are enjoyed by jurors. No juror can be required to talk  
17 about the discussions that occurred in the jury room except by  
18 Court Order. For many centuries our society has relied upon  
19 juries for consideration of difficult cases, and we have  
20 recognized for hundreds of years a jury's deliberations,  
21 discussions, and votes should remain their private affair as  
22 long as they wish it.

23 Therefore, the law gives you a unique privilege not to  
24 speak about the jury's work unless there is a Court Order  
25 requiring you to do so.

1           You are relieved of your obligation, however, not to  
2 speak about the case. Should you choose to speak about it with  
3 each other or with anyone else, you are free to do so. Your  
4 obligations as relates to this case are complete, and to the  
5 extent that your jury service was to cover additional time --

6           THE COURTROOM DEPUTY: They are done.

7           THE COURT: You don't have to call in any more. On  
8 behalf of all of us, we want to thank you. As you leave we  
9 will return your phones, and as a small token of our  
10 appreciation, we have a certificate of appreciation for each  
11 and every one of you. We wish you well and thank you. You are  
12 excused.

13           (Thereupon, the jury left the courtroom.)

14           THE COURT: Okay. I think what Melanie told me was by  
15 separate order we will be able to give a sentencing date and we  
16 will put that in the order.

17           Was there anything else?

18           MS. DARSCH: Yes, your Honor. The Defendant --

19           THE COURT: Actually, let me adjudicate Mr. Boone.  
20 Mr. Boone is adjudicated guilty based on the verdict of Count  
21 1, Count 2, Count 3, Count 4, and Count 5.

22           MS. DARSCH: The Defendant was initially given a bond  
23 in this case and he could never make bond. The Government  
24 would request that his bond be revoked. It is now mandatory --  
25 now that he has been convicted, it is mandatory under 18 United

1 States Code, Section 3143 due to the drug charges and the  
2 924(c) charge.

3 THE COURT: Does the Defense wish to be heard on that?

4 MR. SCHUMACHER: No, your Honor.

5 THE COURT: The bond is revoked. Anything further?

6 MS. DARSCH: Not from the Government.

7 THE COURT: Thank you to counsel for putting on a very  
8 good and smooth trial and, Mr. Boone, you were very well  
9 represented, and we will see you in a few months at sentencing.

10 Okay, thank you.

11 MR. SCHUMACHER: Thank you, Judge.

12 (Thereupon, the trial was concluded.)

13 \* \* \*

14 I certify that the foregoing is a correct transcript  
15 from the record of proceedings in the above matter.

16  
17 Date: November 28, 2023

18 /s/ Pauline A. Stipes, Official Federal Reporter

19 Signature of Court Reporter  
20  
21  
22  
23  
24  
25

Pauline A. Stipes, Official Federal Reporter

<p><b>MR. SCHUMACHER: [51]</b> 4/20 5/3 5/10 6/20 7/4 7/7 15/3 15/5 18/17 23/23 55/21 56/7 57/22 58/5 62/2 62/5 63/11 70/3 73/9 73/22 80/19 83/20 88/4 98/3 100/11 100/14 101/9 107/4 108/16 108/19 111/18 112/2 112/8 112/13 112/17 112/23 113/2 113/18 113/20 114/14 114/17 115/1 115/14 115/21 147/9 147/12 171/22 172/4 172/25 179/3 179/10</p> <p><b>MRS. CHASE: [44]</b> 5/4 5/17 6/9 64/2 64/5 64/9 65/3 73/7 73/20 74/1 80/17 80/22 83/16 83/18 83/23 88/1 88/7 92/21 94/3 94/6 97/24 98/1 104/19 111/2 111/7 111/11 111/16 111/22 112/6 112/21 113/5 113/10 113/14 114/3 114/6 114/10 114/12 114/21 114/23 115/4 135/12 172/20 173/3 173/7</p> <p><b>MS. DARSCH: [16]</b> 7/20 14/24 21/12 45/25 55/23 56/19 57/5 58/1 62/1 63/13 98/7 158/18 176/6 178/17 178/21 179/5</p> <p><b>THE COURT: [128]</b> 2/18 5/2 5/8 5/18 6/10 6/23 7/5 7/8 7/11 7/21 15/2 15/4 15/6 18/18 21/10 21/13 23/24 46/2 55/22 56/10 56/20 57/6 57/25 58/8 62/4 63/12 63/14 63/23 64/3 64/7 64/13 64/20 64/22 64/25 65/5 70/5 73/10 73/21 73/23 73/25 80/20 80/23 83/17 83/19 83/21 83/24 88/5 92/22 94/5 94/7 97/25 98/2 98/4 98/9 98/23 99/5 99/8 99/11 99/13 99/17 99/20 99/25 100/2 100/5 100/8 100/12 100/16 101/5 104/18 107/3 107/5 108/17 108/23 111/4 111/10 111/14 111/17 111/19 112/3 112/7 112/12 112/14 112/18 112/22 112/24 113/3 113/8 113/13 113/17 113/19 113/21 114/5 114/8 114/11 114/16 114/18 114/22 114/24 115/2 115/6 115/15 115/17 115/19 115/22 147/7 147/11 158/17 169/9 170/9 170/13 171/21 172/2 172/5 172/24 173/5 173/8 173/10 173/13 173/17 176/4 176/7 177/9 178/6 178/13 178/18 179/2 179/4 179/6</p> <p><b>THE COURTROOM DEPUTY: [8]</b> 64/19 65/7 74/3 84/1 101/4 174/3 177/8 178/5</p> <p><b>THE DEFENDANT: [10]</b> 99/4 99/7 99/10 99/12 99/16 99/19 99/24 100/1 100/4 100/7</p> <p><b>THE FOREPERSON: [1]</b> 173/16</p> <p><b>THE JUROR: [1]</b> 170/12</p>	<p><b>THE WITNESS: [4]</b> 65/11 73/24 74/7 84/5</p> <p><b>\$</b></p> <p><b>\$10 [1]</b> 36/22 <b>\$100 [3]</b> 8/10 8/21 28/9 <b>\$15 [3]</b> 34/13 34/15 35/11 <b>\$20 [1]</b> 8/22 <b>\$50 [1]</b> 8/21</p> <p><b>/</b></p> <p><b>/s [1]</b> 179/18</p> <p><b>0</b></p> <p><b>02 [1]</b> 52/10 <b>0477 [1]</b> 1/21 <b>07 [1]</b> 91/16</p> <p><b>1</b></p> <p><b>1's [1]</b> 157/15 <b>1/20/2022 [1]</b> 31/13 <b>1/24/2022 [1]</b> 61/20 <b>10 [4]</b> 37/5 38/7 39/17 83/5 <b>10's [1]</b> 157/15 <b>100 [2]</b> 8/3 25/1 <b>100's [1]</b> 49/11 <b>1027 [1]</b> 1/18 <b>1032 [1]</b> 4/10 <b>1063 [2]</b> 3/21 4/4 <b>11 [4]</b> 61/24 80/16 167/11 177/5 <b>115 [1]</b> 2/18 <b>116 [1]</b> 71/22 <b>11:00 [1]</b> 72/5 <b>11:00 o'clock [1]</b> 63/19 <b>11:10 [2]</b> 146/16 164/16 <b>12 [4]</b> 169/13 170/16 170/17 177/7 <b>129 [1]</b> 107/21 <b>12:00 [1]</b> 98/15 <b>12:22 [1]</b> 115/12 <b>13 [19]</b> 11/23 19/25 59/13 60/13 93/1 93/8 93/14 94/10 94/24 95/20 95/24 97/12 97/22 105/16 143/23 143/25 144/17 146/21 169/12 <b>132 [3]</b> 44/10 44/11 108/1 <b>133 [2]</b> 44/13 44/24 <b>14,000 [1]</b> 85/13 <b>142 [2]</b> 3/21 4/4 <b>1423 [2]</b> 31/16 150/17 <b>144 [1]</b> 107/17 <b>15 [11]</b> 2/17 34/25 63/18 63/21 70/24 72/15 72/23 73/9 73/11 73/13 87/10 <b>16 [7]</b> 2/17 70/24 72/15 72/23 73/9 73/11 73/13 <b>17 [5]</b> 54/11 66/20 79/22 82/21 121/17 <b>17's [1]</b> 11/10 <b>18 [13]</b> 70/25 71/4 72/15 72/24 97/2 97/7 126/4 127/10 133/10 134/1 175/3 175/16 178/25 <b>18-month [1]</b> 86/5 <b>1800's [1]</b> 17/18 <b>19 [8]</b> 71/22 71/24 76/12 76/20 91/7 91/19 96/19 96/21</p>	<p><b>1900's [1]</b> 17/18 <b>1934 [2]</b> 75/13 88/16 <b>1968 [1]</b> 88/12 <b>1986 [7]</b> 76/12 76/21 91/7 91/19 96/19 96/22 145/19 <b>1999 [1]</b> 79/15 <b>19th [1]</b> 72/2 <b>1:00 [5]</b> 72/5 98/16 98/22 115/12 115/16 <b>1:15 [2]</b> 72/1 72/5 <b>1:16 [1]</b> 71/23</p> <p><b>2</b></p> <p><b>2,000 [1]</b> 85/15 <b>2/1/2022 [1]</b> 39/12 <b>2/12/2022 [1]</b> 44/1 <b>2/25/2022 [1]</b> 52/8 <b>2/26/2022 [5]</b> 8/18 26/5 27/7 27/12 32/18 <b>2/26/22 [1]</b> 27/25 <b>2/27/2022 [1]</b> 44/14 <b>2/28/2022 [1]</b> 28/15 <b>20 [3]</b> 32/1 32/6 34/10 <b>20's [1]</b> 49/11 <b>200 [1]</b> 3/25 <b>2000's [1]</b> 17/17 <b>2005 [1]</b> 67/2 <b>2006 [1]</b> 66/17 <b>2011 [1]</b> 66/15 <b>2012 [3]</b> 67/3 107/21 108/2 <b>2013 [1]</b> 107/13 <b>2014 [1]</b> 107/18 <b>2018 [1]</b> 108/11 <b>2019 [3]</b> 47/3 47/11 108/5 <b>2020 [2]</b> 47/3 47/11 <b>2022 [40]</b> 3/22 4/4 8/18 24/25 26/5 27/7 27/12 28/15 29/14 31/6 31/13 32/1 32/2 32/6 32/18 33/21 33/22 34/10 36/1 39/12 44/1 44/14 45/14 52/8 52/10 61/20 61/20 71/22 71/24 106/17 137/18 141/12 142/8 148/14 154/14 159/21 162/9 162/11 163/17 168/6 <b>2023 [3]</b> 1/8 3/25 179/17 <b>2060 [1]</b> 108/2 <b>21 [11]</b> 19/18 24/17 111/14 111/15 122/22 123/12 124/24 132/11 132/24 174/11 174/20 <b>21-B [2]</b> 61/7 144/14 <b>21-C [4]</b> 59/5 105/6 109/12 146/10 <b>21-E [6]</b> 8/15 19/20 19/24 51/22 52/12 59/3 <b>22 [10]</b> 7/20 8/2 8/17 24/17 24/17 27/25 61/17 137/13 139/2 139/10 <b>22-3076 [1]</b> 70/15 <b>22-80175 [1]</b> 3/3 <b>22-80175-CR-Rosenberg [1]</b> 174/4 <b>22-CR-80175-ROSENBERG [1]</b> 1/3 <b>24 [5]</b> 61/20 138/1 141/23 147/8 167/19 <b>24th [2]</b> 146/15 164/15 <b>25 [9]</b> 36/7 36/21 36/22 36/23 37/4 39/12 40/11 52/10</p>
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<p><b>2</b></p> <p>25... [1] 157/13</p> <p>251 [1] 108/11</p> <p>25th [2] 137/14 168/25</p> <p>26 [11] 24/24 35/25 81/9 81/13 82/7 82/11 115/1 128/10 134/15 140/24 176/2</p> <p>26th [4] 72/18 72/24 141/20 143/3</p> <p>28 [1] 179/17</p> <p>28th [1] 144/22</p> <p>29 [9] 2/17 80/2 80/12 80/19 80/22 101/11 107/9 108/21 145/21</p> <p>2:51 [1] 170/9</p>	<p>139/1 139/2 141/13 143/15 143/23 144/25 147/17 149/1 159/14 164/23 165/4 165/6</p> <p>52th [1] 36/8</p> <p>53 [5] 24/22 81/8 81/13 82/7 82/11</p> <p>54 [1] 26/3</p> <p>55 [1] 27/5</p> <p>56 [3] 2/5 27/9 27/22</p> <p>561-209-1027 [1] 1/18</p> <p>561-803-3434 [1] 1/24</p> <p>57 [1] 27/24</p> <p>5811 [1] 82/10</p> <p>5812 [1] 82/10</p> <p>5841 [3] 81/8 134/15 176/2</p> <p>5861 [3] 128/11 134/15 176/2</p> <p>5871 [2] 134/15 176/2</p> <p>5:00 [1] 172/19</p>	<p><b>9</b></p> <p>9-millimeter [2] 121/17 121/18</p> <p>91 [1] 42/18</p> <p>92 [2] 40/9 43/24</p> <p>921 [1] 108/5</p> <p>922 [5] 91/5 102/25 127/11 134/2 175/16</p> <p>924 [4] 126/4 133/11 175/3 179/2</p> <p>93 [1] 44/6</p> <p>954-356-0477 [1] 1/21</p> <p>956 [1] 65/13</p> <p>963 [1] 111/16</p>
<p><b>3</b></p> <p>3-D [1] 96/15</p> <p>3/1/2022 [1] 29/14</p> <p>3/20/2022 [1] 45/14</p> <p>3/3/2022 [1] 33/21</p> <p>30 [10] 25/2 36/6 39/5 90/14 97/19 102/9 113/13 113/14 151/9 167/19</p> <p>30/30 [1] 113/13</p> <p>300 [3] 54/20 55/6 157/22</p> <p>3076 [1] 70/15</p> <p>31 [11] 2/18 16/11 114/7 114/13 114/19 114/20 114/25 115/3 115/6 137/25 140/10</p> <p>3143 [1] 179/1</p> <p>31st [1] 115/4</p> <p>32 [10] 3/6 3/7 6/6 16/12 16/14 138/4 142/11 145/3 145/13 147/1</p> <p>33301 [1] 1/21</p> <p>33401 [2] 1/18 31/17</p> <p>3434 [1] 1/24</p> <p>35 [1] 36/15</p> <p>37 [4] 65/24 66/22 67/2 67/6</p> <p>37th [1] 65/23</p> <p>3rd [4] 137/20 141/21 149/10 169/1</p>	<p><b>6</b></p> <p>60 [1] 157/23</p> <p>62 [2] 2/6 28/12</p> <p>621 [18] 46/6 47/9 105/24 136/25 137/16 138/23 139/1 139/9 141/13 143/15 143/23 147/17 148/25 149/1 159/14 164/23 165/4 165/6</p> <p>64 [1] 29/19</p> <p>65 [3] 2/8 29/19 29/20</p> <p>651 [1] 147/17</p> <p>66 [1] 4/10</p> <p>67 [1] 3/25</p> <p>68 [2] 31/8 31/9</p> <p>688 [1] 107/21</p> <p>69 [1] 31/15</p> <p>6:00 [1] 25/4</p> <p>6:00 p.m [3] 25/5 25/9 25/10</p>	<p><b>A</b></p> <p>A-C-E-V-E-D-O [1] 108/10</p> <p>a.m [8] 67/25 69/8 69/11 69/14 70/3 70/9 72/5 72/19</p> <p>abbreviation [1] 38/24</p> <p>ability [11] 75/13 75/17 78/4 119/7 126/19 155/6 159/6 160/21 160/23 161/2 168/4</p> <p>able [20] 5/7 9/10 9/10 10/25 11/1 16/17 17/3 26/20 30/20 30/25 38/2 59/19 76/8 76/10 78/21 91/17 148/23 169/18 171/11 178/15</p> <p>about [87] 9/1 9/7 10/20 13/2 17/7 19/21 20/13 22/15 27/21 28/10 29/2 29/5 31/9 36/19 37/4 42/15 43/14 45/3 45/16 45/23 46/23 47/13 48/2 51/9 56/3 59/2 61/8 66/15 67/11 68/2 71/18 80/6 81/3 85/15 98/18 99/1 104/3 104/8 117/25 118/3 118/7 119/8 119/16 120/2 120/3 120/8 122/5 122/7 124/20 126/24 129/10 131/1 140/15 141/11 143/17 147/8 147/13 147/19 148/5 148/20 149/2 149/6 149/24 153/7 153/11 155/13 155/25 156/8 156/17 157/15 157/17 157/19 159/2 160/4 161/8 162/19 166/11 166/15 166/16 168/11 169/1 171/24 172/6 177/17 177/24 178/2 178/2</p>
<p><b>4</b></p> <p>4's [1] 3/9</p> <p>40 [1] 39/6</p> <p>40 feet [2] 102/9 151/9</p> <p>400 [1] 1/17</p> <p>452 [1] 108/5</p> <p>45th [1] 36/12</p> <p>46 [1] 2/4</p>	<p><b>7</b></p> <p>70 [1] 31/15</p> <p>700 [1] 1/20</p> <p>71 [1] 31/22</p> <p>713 [1] 107/12</p> <p>716 [1] 107/12</p> <p>72 [1] 32/4</p> <p>73 [3] 2/17 32/16 32/17</p> <p>74 [3] 2/10 33/19 33/20</p> <p>75 [2] 34/8 34/9</p> <p>761 [1] 107/17</p> <p>77 [2] 34/23 35/25</p> <p>7th [2] 31/16 150/17</p>	<p>above [1] 179/15</p> <p>absence [3] 101/21 102/20 156/17</p> <p>absolutely [7] 18/2 21/21 23/9 49/22 50/4 50/18 103/1</p> <p>abundance [1] 113/12</p> <p>ACCA [1] 4/1</p> <p>accept [4] 67/16 72/20 118/17 120/9</p> <p>accepted [1] 70/8</p> <p>accepts [1] 136/1</p> <p>access [16] 68/19 68/23 68/24 69/18 77/8 77/13 77/15 77/22 77/23 78/1 78/2 78/4 78/6 78/8 140/8 169/18</p> <p>accessible [8] 56/4 56/6 57/22 58/3 58/4 137/23</p>
<p><b>5</b></p> <p>5's [1] 157/15</p> <p>50 [1] 146/18</p> <p>50's [1] 49/11</p> <p>500 [1] 1/17</p> <p>50th [1] 36/8</p> <p>52 [19] 7/20 8/2 8/9 8/16 19/18 21/16 24/18 24/19 24/21 25/3 25/9 34/11 35/4 35/21 44/18 44/24 45/15 52/7 144/22</p> <p>52nd [23] 25/15 35/21 43/23 45/18 46/6 47/9 105/24 136/25 137/14 137/16 138/23</p>	<p><b>8</b></p> <p>80 [2] 2/17 25/3</p> <p>80175 [1] 3/3</p> <p>84 [1] 2/12</p> <p>841 [4] 123/12 124/24 132/24 174/20</p> <p>846 [4] 111/14 122/23 132/11 174/11</p> <p>87 [1] 39/8</p> <p>88 [2] 40/9 40/10</p> <p>882 [1] 108/10</p> <p>89 [1] 40/15</p> <p>8:00 [7] 67/24 69/8 69/11 69/14 70/3 70/9 72/19</p>	

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